

DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Section

1 CCR 204-10

RULE 11. EMERGENCY VEHICLE AUTHORIZATION

Basis: The statutory bases for this rule are ~~24-4-104, 24-4-105,~~ 42-1-102(6), 42-1-204, 42-4-108(5), 42-4-213, and 42-4-238, C.R.S.

Purpose: The following rule is promulgated to establish the application, ~~maintenance, and revocation procedures requirements~~ for ~~Emergency Vehicle Authorization resulting in~~ Authorized Emergency Vehicle designation for a privately owned vehicle.

1.0 Definitions

- 1.1 “Applicant” means the owner and/or operator of a vehicle seeking designation of that vehicle as an Authorized Emergency Vehicle.
- 1.2 “Approve” ~~includes approval, permission, or authorization~~ means certification from an “Authorizer” ~~as defined in this rule that an emergency vehicle designation is necessary to the preservation of life or property or to the execution of emergency governmental functions.~~
- 1.3 “Authorized Emergency Vehicle” means those vehicles so designated in 42-1-102(6)(a) and (b), C.R.S.
- 1.4 “Authorizer” means a Chief of Police, Sheriff, Fire Chief, Commanders of the Colorado State Patrol, a chief executive officer of an ambulance service, or their designees. For purposes of privately owned tow trucks, “Authorizer” means the Colorado Public Utilities Commission.
- 1.5 “Authorizing Agency” means a fire department, police department, ambulance service or, for the purposes of privately owned tow trucks, “~~Authorizer~~ Authorizing Agency” means the Colorado Public Utilities Commission.
- 1.6 “Emergency Vehicle Decal,” or often referred to as “Red Dot Sticker”, means the window decal issued by the Department signifying that a vehicle has been designated an Authorized Emergency Vehicle.
- ~~1.7 “Emergency Vehicle Equipment” means the audible and visual signal equipment described in sections 42-4-213 and 42-4-238, C.R.S.~~
- ~~1.8~~1.7 “Tow Truck” means the same as in subsection 40-10.1-101(21), C.R.S.

2.0 Application Requirements

- 2.1 An Applicant requesting designation of a vehicle as an Authorized Emergency Vehicle must complete the Applicant Information section of the form DR 2490 Emergency Vehicle Authorization Application (“DR 2490”). The Applicant must then submit the DR 2490 to the Authorizing Agency from which the Applicant seeks ~~approval to equip the vehicle with Emergency Vehicle Equipment~~ certification that the Applicant’s vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions.
- 2.2 The Department ~~cannot~~ will not designate a vehicle an Authorized Emergency Vehicle unless the Department determines that the vehicle ~~meets the statutory requirements for Emergency Vehicle Equipment and it~~ is necessary to the preservation of life or property or to the execution of emergency governmental functions.
- ~~2.3—The Authorizer must verify that the Applicant satisfies the requirements in subsection 2.2 of this Rule.~~
- ~~2.4—The Authorizer has sole discretion whether to approve an Applicant who meets the requirements in subsection 2.3 of this Rule.~~
- ~~2.5—The Authorizer should ensure that the Applicant meets all requirements for an emergency vehicle operator imposed by the Authorizing Agency prior to granting approval to equip the vehicle with Emergency Vehicle Equipment. Emergency vehicle operator requirements may differ for each Authorizing Agency, and may include but are not limited to the minimum training and operating requirements listed in the Colorado Peace Officer Standards and Training (P.O.S.T.) manual.~~
- ~~2.6~~ 2.3 An Authorizer and Applicant cannot be the same individual. An Authorizer who applies for an Emergency Vehicle Authorization must obtain ~~approval a~~ certification from another Authorizer within his or her Authorizing Agency or from a different Authorizing Agency.
- ~~2.7~~ 2.4 If the Authorizing Agency ~~approves the Applicant~~ deems that designation of the Applicant’s vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions, the Authorizer will complete the Authorization by Law Enforcement, Fire Chief, Ambulance Service Director section of the DR 2490 and submit the DR 2490 to the Department.
- a. For the purposes of privately owned tow trucks, the Colorado Public Utilities Commission will complete the Authorization by Law Enforcement, Fire Chief, Ambulance Service Director section of the DR 2490 and submit the DR 2490 to the Department.

2.5 If the Authorizing Agency does not deem that designation of the Applicant's vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions, the Authorizer will record this designation on the DR 2490 and mail or deliver it to the Department. The Department will review the designation and retain the DR 2490 pursuant to the Departments retention schedule.

~~2.8-2.6 The Authorizer should review the DR 2490 for completeness prior to submitting the application.~~ The Authorizing Agency must mail or deliver the **approved completed** DR 2490 to the Department. The Department will **only not** accept an application **unless** submitted by an Authorizing Agency.

~~2.9-2.7 Upon~~ If it determines **finding** that a designation **satisfies all statutory requirements** is necessary to the preservation of life or property or to the execution of emergency governmental functions, the Department will designate the vehicle an Authorized Emergency Vehicle. The Department will provide an Emergency Vehicle Decal and two copies of the approved DR 2490 to the Authorizing Agency. To ensure protection of the **of** public and to preserve public safety, the Department will only provide the Emergency Vehicle Decal and copies of the approved DR 2490 to the Authorizing Agency.

~~2.10-2.8~~ The Authorizing Agency will ensure that the Emergency Vehicle Decal is affixed to the inside lower driver's side corner of the front windshield of the Authorized Emergency Vehicle listed on the corresponding DR 2490.

~~2.11-2.9~~ One copy of the approved DR 2490 must be kept in the Authorized Emergency Vehicle at all times ~~together with the Colorado registration card~~. The second copy of the approved DR 2490 must be retained by the Authorizing Agency as long as the Authorized Emergency Vehicle operates under the authority of the Authorizing Agency.

~~2.12-2.10~~ An Authorized Emergency Vehicle designation is valid the lesser of two (2) years from the date the Department's designation is issued or until the Department ~~receives a Revocation Action Notification pursuant to subsection 2.13 of this Rule~~ **revokes the designation**. Renewal of the designation is not automatic; the Authorizing Agency must complete, **approve certify**, and submit a new DR 2490 complying with all the requirements of this Rule.

~~2.13-2.11~~ An Authorizing Agency may request that the Department revoke an Authorized Emergency Vehicle designation by completing **and submitting to the Department** the Revocation Action Notification portion of a copy of the previously approved DR 2490 ~~and by submitting the form to the Department~~.

- a. **The Department has the sole authority to revoke an Authorized Emergency Vehicle designation.**

~~2.14 b. Upon receipt of a request for revocation, If the Department will cancel~~
revokes the Authorized Emergency Vehicle designation. The Authorizing Agency will ensure the Emergency Vehicle Decal is removed from the vehicle.

3.0 Denial and Revocation of an Authorized Emergency Vehicle Designation

- 3.1 An Applicant whose application for an Authorized Emergency Vehicle designation has been denied may request a hearing, in writing, within sixty days after a notice of denial. Written hearing requests shall be submitted to the Department of Revenue, Hearings Division.
- 3.2 An Authorizing Agency that has Approved an Applicant's Authorized Emergency Vehicle designation that is denied by the Department may request a hearing, in writing, within sixty days, after a notice of denial. Written hearing request shall be submitted to the Department of Revenue, hearing Division.
- 3.3 The Department may revoke an Authorized Emergency Vehicle designation as provided in subsection 3.4 of this rule if the Department determines that the Authorized Emergency Vehicle designation is no longer necessary to the preservation of life or property or to the execution of emergency governmental functions. An Applicant that has had his/her Authorized Emergency Vehicle designation revoked may request a hearing, in writing, within sixty days after a notice of revocation. Written hearing requests shall be submitted to the Department of Revenue, Hearings Division.
- 3.4 An Authorizing Agency that has its request to revoke an Authorized Emergency Vehicle designation denied by the Department may request a hearing, in writing, within sixty days after a notice of revocation. Written hearing requests shall be submitted to the Department of Revenue, Hearings Division.
- 3.5 Any hearing conducted under this rule will be held at the Department of Revenue, Hearings Division. The hearing officer will be an authorized representative designated by the Executive Director. The Department's representative need not be present at the hearing unless his or her presence is required by the presiding officer, or requested by the applicant, or requested by the respondent in a revocation action. If the Department's representative is not present at the hearing, any written documents and affidavits submitted by the Department may be considered at the discretion of the hearing officer.
- 3.6 All proceedings will be conducted in accordance with the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

~~3.0~~ 4.0 Privately Owned Tow Truck Authorization

3.1.4.1 Privately owned Tow Trucks must obtain emergency vehicle authorization from the Colorado Public Utilities Commission. No other Authorizer or Authorizing Agency may approve Tow Trucks as Authorized Emergency Vehicles.