

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-6

#### PART 6

#### RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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[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.~~

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[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
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[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.

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[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.~~

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[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.

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[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.~~