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Colorado Department of Public Safety
Colorado State Patrol
Rules and Regulations Concerning the
Colorado State Patrol Third-Party
Commercial Vehicle VIN Verification Program
Statement of Basis, Statutory Authority & Purpose

§42-1-232, CRS, directs the Chief of the Colorado State Patrol to create and maintain a program through which third parties identified as transportation associations or organizations may verify commercial vehicle information, including vehicle identification numbers, as vehicle-related entities. §42-1-232 (7), CRS, authorizes the Chief of the Colorado State Patrol to adopt any rules reasonably necessary to implement the third-party commercial vehicle VIN verification program.

These rule proposals:

- Update references to internal agency and online resources cited within the rules.
- Clarify permit review requirements outlined within the rules.
- Correct grammar and spelling errors, and update verbiage to be more consistent with rulemaking and drafting format recommendations; and
- Update appeal timelines concerning summary suspension, revocation, and denials under the Third-Party Commercial Vehicle VIN Verification Program.

As proposed, these rules continue to outline the authority of the Colorado State Patrol to approve, deny, cancel, summarily suspend, or revoke permits and to monitor overall compliance with the rules and statutes that apply to those approved to complete third-party commercial vehicle VIN verifications.

The General Assembly has declared that the legal, accurate, and efficient verification of commercial vehicle information, including VINs, is a matter of statewide concern. The General Assembly has further determined that the creation and management of a third-party commercial vehicle VIN verification program through the Colorado State Patrol benefits the preservation of public peace, health, and safety. For these reasons, it is necessary to adopt these rules.

Colonel Matthew Packard, Chief, CSP

Date of Adoption

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Department of Public Safety
Colorado State Patrol
Rules and Regulations Concerning the
Colorado State Patrol Third-Party Vehicle
VIN Verification Program
8 CCR 1507-58

TVIN 1: AUTHORITY TO ADOPT RULES

§42-1-232(7), CRS, authorizes the Chief of the Colorado State Patrol to promulgate the rules reasonably necessary to implement the Third-Party Commercial Vehicle VIN Verification Inspection Program, as it is described ~~within~~ **IN** §42-1-232 (2), CRS.

TVIN 2: APPLICABILITY

These rules and regulations shall apply to all individuals, corporations, other legal entities, or Colorado government or governmental subdivisions or agencies engaged in the verification of commercial vehicle information who operate as Transportation Associations, Transportation Organizations, or Third-Party Civilian Verifiers, as **EACH IS** provided by **DEFINED WITHIN** these rules.

TVIN 3: DEFINITIONS

The following definitions ~~are applicable~~ **APPLY** throughout these rules; unless otherwise specified:

- 3.1. CBI:** Colorado Bureau of Investigation.
- 3.2. CDPS:** Colorado Department of Public Safety.
- 3.3. CHIEF:** Means the Chief of the Colorado State Patrol or his or her designees.
- 3.4. CIVILIAN VERIFIER (CV):** An individual employed or contracted by a permitted Transportation Association or Transportation Organization to verify commercial vehicle information, including VINs**S**.
- 3.5. CIVILIAN VERIFIER PERMIT (CVP):** A permit issued by the Chief for a CV to a Transportation Association or Transportation Organization that holds a valid Third-

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Party VIN Verification Inspection Permit. Transportation Associations or Transportation Organizations can be issued multiple CVPs.

- 3.6. **CIVILIAN VIN TRAINING:** A class provided by the Colorado State Patrol to train individuals on how to perform and document VIN verifications. Certificates are issued upon successful completion of the course.
- 3.7. **COMMERCIAL VEHICLE:** The definition of a commercial vehicle will be consistent with §42-4-235 (1) (A), CRS.
- 3.8. **CRIMINAL HISTORY SEARCH:** A service having online access and provided through CBI. The service provides an individual's Colorado criminal history upon request.
- 3.9 **CSP:** Colorado State Patrol.
- 3.10. **CVSA CERTIFIED ENFORCEMENT OFFICIAL:** A CSP e**Enforcement** e**Official** certified by the Federal Motor Carrier Safety Administration (FMCSA) pursuant **ACCORDING** to 49 CFR 385, subpart C, and authorized by §42-4-235 (2) (C), CRS, to complete compliance reviews and/or safety audits.
- 3.11. ~~ENFORCEMENT~~**ENFORCEMENT OFFICIAL:** The definition of e**Enforcement** e**Official** shall **WILL** be the same as it is defined **IN** by §§16-2.5-101, 16-2.5-115, 16-2.5-143, and 42-20-103 (2), CRS.
- 3.12. **PERMIT PROGRAM COMPLIANCE REVIEW (PPCR):** An examination of records and/or the inquiry of Third-Party VIN Verification Program participants by a CVSA-certified e**Enforcement** e**Official** as defined in these rules. Examination of any documents or inquiries of Third-Party VIN Verification Program participants shall **WILL** be limited to those records and activities reasonably related to the performance-**COMPLETION** of Third-Party VIN Verification Inspections.
- 3.13. **REGULAR BUSINESS HOURS: FOR PURPOSES OF THESE RULES, REGULAR BUSINESS HOURS ARE DEFINED TO BE BETWEEN 8:30 AM AND 5:00 PM MONDAY THROUGH FRIDAY, EXCLUDING LEGAL HOLIDAYS OR AS IS OTHERWISE CONSISTENT WITH THE HOURS OF OPERATION REQUIRED OF STATE OFFICES BY COLORADO LAW. ~~THIRD-PARTY VIN VERIFICATION INSPECTION PERMIT (TVIP):~~** ~~A permit issued by the Chief to a Transportation Association or a Transportation Organization to employ or contract with Civilian Verifiers approved by the CSP to verify commercial vehicle information, including VINs. This permit allows the Transportation Association or Transportation Organization to set a fee for the service of commercial vehicle VIN verification not exceeding that set forth by §42-1-232 (5), CRS.~~

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- 3.14. THIRD-PARTY VIN VERIFICATION INSPECTION PERMIT (TVIP):** A permit issued by the Chief to a Transportation Association or a Transportation Organization to employ or contract with Civilian Verifiers approved by the CSP to verify commercial vehicle information, including VINs. This permit allows the Transportation Association or Transportation Organization to set a fee for the service of commercial vehicle VIN verification not exceeding that set forth by §42-1-232 (5), CRS. **TRANSPORTATION ASSOCIATION/TRANSPORTATION ORGANIZATION (TA/TO):** ~~A legal business entity and membership organization registered and in good standing with the Colorado Secretary of State, operating within the state of Colorado, and focused upon transportation issues, transportation regulations, and highway safety. Membership of the TA/TO must consist of legal entities or individuals who are primarily engaged in the operation of commercial vehicles in Colorado.~~
- 3.15. TRANSPORTATION ASSOCIATION/TRANSPORTATION ORGANIZATION (TA/TO):** A legal business entity and membership organization registered and in good standing with the Colorado Secretary of State, operating within the state of Colorado, and focused upon ~~upon~~ **ON** transportation issues, transportation regulations, and highway safety. Membership of the TA/TO must consist of legal entities or individuals who are primarily engaged in the operation of commercial vehicles in Colorado. ~~TVVP: Third-Party VIN Verification Program.~~
- 3.16. TVVP: Third-Party VIN Verification Program.** ~~VEHICLE IDENTIFICATION NUMBER (VIN): Any identifying number, serial number, engine number, or other identifying number or mark upon a vehicle as is set forth by §42-5-101 (11), CRS.~~
- 3.17. VEHICLE IDENTIFICATION NUMBER (VIN):** Any identifying number, serial number, engine number, or other identifying number or mark upon a vehicle as is set forth by §42-5-101 (11), CRS.

TVIN 4: ELIGIBILITY AND APPLICATION REQUIREMENTS

- 4.1. TA/TO ELIGIBILITY FOR TVIP:** To be eligible to receive a TVIP, TA/TOs must meet minimum requirements.
- 4.1.1. DEFINITION.** An applicant for a TVIP must meet the definition of a TA/TO as defined ~~within~~ **IN** these rules.
- 4.1.2. FINANCIAL RESPONSIBILITY.** TVIP applicants must furnish evidence of a savings account or deposit in a certificate of deposit meeting the requirements of §11-35-101, CRS, or a surety bond of at least \$10,000.00. The surety bond must hold harmless any person who suffers loss or

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4.1.3. USE OF CVsS. TVIP applicants must either employ or contract with, or intend to employ or contract with CVs:

4.1.3.1. Who can demonstrate or ~~can~~ successfully acquire knowledge of the process and standards applicable to vehicle information verification, including the VIN verification process.

4.1.3.2. Who have **HAS** not been convicted of violating Article 4, Title 18, CRS, within 10 years prior to **BEFORE** the submission date of a TVIP application.

4.1.3.3. For which a TA/TO can provide information, including the name, background, experience, operation location, contact information, and any other information required by the Chief.

4.1.3.4. Who have **HAS** received a CVP from the Chief verifying their status as a CV and authority to verify commercial vehicle information, including VINs.

4.1.4. APPLICATION. TVIP applicants must complete the application as provided by the CSP. Incomplete applications will be returned with instructions to complete the application prior to **BEFORE** resubmission.

4.2. CV ELIGIBILITY FOR CVP: To be eligible to apply for and receive a CVP for a CV, a TA/TO submitting the ~~A~~ CVP application must meet minimum requirements.

4.2.1. VALID TVIP. ~~A~~ **THE** TA/TO applying from **NAMED IN AND SUBMITTING** the CVP for a CV must have a valid TVIP.

4.2.2. COMPLETE APPLICATION. A CVP application must be completed using the forms available from the CSP. A CVP application must include the name, background experience, operation location, contact information, and any other information as may be required by the Chief. **INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE SUBMITTING TA/TO.**

4.2.3. CV DECLARATION. The CV for which a TA/TO submits a CVP application ~~for~~ must complete a signed declaration stating that he or she has not been convicted of violations of Article 4, Title 18, CRS, within the 10 years prior to **BEFORE** the CVP application submission. An original copy of the signed declaration must be included with the CVP application.

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4.2.45.CV TRAINING COMPLETION. The CV identified in the CVP application must successfully complete the CSP Civilian VIN Training prior to the Chief issuing a CVP for the CV to the TA/TO.

4.2.45.1. In the event a TA/TO submits a CVP application for a CV prior to ~~BEFORE~~ the ~~A CV successfully completing~~ **COMPLETES** the CSP Civilian VIN Training, an otherwise approved CVP application will remain in a “Pending **COURSE** Completion” status. **THE TA/TO MUST PROVIDE INFORMATION CONFIRMING THAT THE CV NAMED IN THE CVP APPLICATION IS SIGNED UP TO ATTEND CSP CIVILIAN VIN TRAINING, AND THE DATE OF THE TRAINING MUST BE INCLUDED WITH THE APPLICATION.**

4.2.45.2. Upon confirmation that a CV identified in a CVP has successfully completed the CSP Civilian VIN Training, the CVP will be issued for the CV to the TA/TO.

4.2.45.3. Upon confirmation that a CV identified in a pending CVP has failed to complete the CSP Civilian VIN Training successfully, the CVP application will be denied. Written notice of the denial will be sent to the TA/TO.

4.3. CV REQUIRED:. A TA/TO shall ~~WILL~~ not allow or promote that a CV verify commercial vehicle information prior ~~BEFORE~~ to their successful completion of the CSP Civilian VIN Training **BY THE CV**, nor will a TA/TO allow or promote a CV to verify commercial vehicle information on behalf of the TA/TO prior to ~~BEFORE~~ a CVP being **IS** issued to the TA/TO for the CV.

TVIN 5: AUTHORITY TO REGULATE AND INSPECT

5.1. AUTHORITY TO DEVELOP AND REGULATE:. §42-1-232 (7), CRS, gives the Chief **THE** authority to promulgate rules reasonably necessary to implement the TVVP as it is outlined **IN** by §42-1-232 (2), CRS. This authority extends to and includes:

5.1.1. APPLICATIONS AND ELIGIBILITY. The Chief has **THE** authority to establish necessary and reasonable application procedures, develop the required forms, make additional requests for information, and set applicant eligibility requirements for TA/TOs and CVs.

5.1.2. PROGRAM REVIEW. The Chief has the authority to establish procedures necessary to measure and enforce compliance among TVVP participants.;

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5.1.3. PERMIT STATUS AND APPEAL. The Chief has the authority to deny, apply conditions to, cancel, or summarily suspend the use of permits pending a cancellation hearing **CONSISTENT WITH THESE RULES**. The Chief also has the authority to set the appeal rights of **TVVP-program** applicants and ~~permit holders~~ **PARTICIPANTS**.

5.1.4. DELEGATION OF AUTHORITY. Delegation of any authority held by the Chief relevant to the TVVP will occur consistent with applicable CDPS and CSP policies and directives.

5.2. AUTHORITY TO INSPECT: CSP has exclusive enforcement authority to perform PPCRs and **THE** sole authority to inspect all records relevant to activities regulated by these rules. Records relevant to the performance of a TA/TO or a CV performing VIN verifications pursuant to §42-1-232, CRS, and these rules include:

5.2.1. COMPLETED VERIFICATIONS. Copies of all commercial vehicle VIN verifications completed by CVs employed by or contracted to a TA/TO.

5.2.2. RELEVANT ACTIVITY DOCUMENTATION. Copies of all documentation and records relevant to the vehicle verification activities of TA/TOs and the CVs employed or contracted thereto.

5.2.2.1. “Relevant rRecords” include information on current or past CVs employed by or contracted to a TA/TO during the period a TA/TO held **POSSESSES** a valid TVIP.

5.2.2.2. “Relevant rRecords” do not include any records related to the compensation or benefits that **ARE OR WERE** received by a CV from a TA/TO.

5.3. AUTHORITY TO COMPLETE PPCRS: The CSP has the exclusive authority to conduct PPCRs. CSP ~~e~~**Enforcement e**~~o~~**Officials WHO ARE** certified **ACCORDING** pursuant to 49 CFR 385, subpart C, to perform compliance reviews and safety audits ~~upon~~ **ON** motor carriers operating commercial vehicles within the state of Colorado shall ~~WILL~~ also be authorized **HAVE THE AUTHORITY** to perform **COMPLETE** any PPCRs ~~upon~~ **ON** TA/TOs and CVs ~~for or to which TVIPs or CVPs have been issued~~ **PARTICIPATING IN THE TVVP ACCORDING TO THESE RULES**.

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5.3.1. AGREEMENT TO SUBMIT TO PERMIT REVIEW. All TVIPs and CVPs issued to TA/TOs and for CVs are subject to permit reviews assessing program compliance. **ACCEPTANCE OF ANY PERMIT ISSUED THROUGH THE TVVP AND PARTICIPATION THEREIN CONSTITUTES AN AGREEMENT TO SUBMIT TO PERMIT REVIEWS CONSISTENT WITH THESE RULES.** ~~All TVIPs and CVPs will be subject to at least one permit review by the CSP within 18 months of the date the Chief approves the permit.~~

5.3.2. INITIAL PERMIT REVIEW. All TVIPs and CVPs will be subject to at least one permit review by the CSP within 18 months of the date the Chief approves the **INITIAL PERMIT ISSUED FOR ANY TA/TO OR CV.** ~~Where and when may be appropriate, a CVSA certified enforcement official will complete additional reviews of a TA/TO and/or CVs. Additional reviews may be determined appropriate or necessary if:~~

~~**5.3.2.1.** The CSP receives complaints about a TA/TO or a CV raising valid concerns about compliance with applicable statutes or these rules.~~

~~**5.3.2.2.** A TA/TO or CV appeals a decision by the Chief to deny an application for a TVIP or a CVP or a decision to cancel an existing permit, necessitating review of any records relevant to the initial determination.~~

5.3.3. ROUTINE PERMIT REVIEWS. EXCEPT FOR THE INITIAL PERMIT REVIEW OUTLINED IN SECTION 5.3.2 OF THESE RULES, ALL TVIPS AND CVPs MAY BE SUBJECT TO AT LEAST ONE PERMIT REVIEW EVERY 36 MONTHS. AT THE DISCRETION OF THE CHIEF, THIS REVIEW MAY OCCUR CONCURRENTLY WITH THE REVIEW OF A PERMIT FOR RENEWAL.

5.3.4. ADDITIONAL PERMIT REVIEWS. TVIPs OR CVPs ISSUED TO TA/TOS AND FOR CVs MAY BE SUBJECT TO REVIEWS BEYOND THOSE REQUIRED BY SECTIONS 5.3.2 AND 5.3.3 OF THESE RULES WHERE AND WHEN IT IS DETERMINED ADDITIONAL REVIEW OF PERMIT USE IS NECESSARY OR APPROPRIATE. **ADDITIONAL REVIEWS MAY BE DETERMINED APPROPRIATE OR NECESSARY IF:**

5.3.4.1. THE CSP RECEIVES COMPLAINTS ABOUT A TA/TO OR A CV THAT RAISE CONCERNS ABOUT THE COMPLIANCE OF EITHER WITH APPLICABLE STATUTES AND/OR THESE RULES.

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5.3.4.2. IT IS DETERMINED THAT A REVIEW OF RECORDS RELEVANT TO AN APPEAL CHALLENGING THE SUMMARY SUSPENSION OR CANCELLATION OF A TVIP OR CVP IS NECESSARY TO FACILITATE A FINAL AGENCY DECISION CONSISTENT WITH SECTIONS 6.9 AND 7.10 OF THESE RULES.

TVIN 6: TVIP APPROVAL, CONDITIONS, DENIAL, SUMMARY SUSPENSION, CANCELLATION, AND APPEAL

- 6.1. WRITTEN APPROVAL:** Approval of all TVIP applications will be **IN** writing and from the Chief. Approved TVIP applications will include a copy of the TVIP issued to the TA/TO, signed by the Chief.
- 6.2. TVIP CONDITIONS:** TVIPs are issued pursuant to compliance with applicable conditions. Conditions applicable to all TVIPs are:
 - 6.2.1. ACTIVE PERIOD.** TVIPs shall **WILL** be valid for a period not to exceed 36 months. At the end of 36 months, a TA/TO must renew the TVIP by completing a new TVIP application.
 - 6.2.2. APPROPRIATE USE.** TVIPs must be used in a manner consistent with applicable statutes and these rules.
 - 6.2.3. PERMIT REVIEW.** TA/TOs holding TVIPs must submit to review **AT LEAST** once every ~~18~~ **36** months. The results of a permit review must find that a TA/TO complies with all terms, conditions, statutes, and rules applicable to the use of the TVIP and any CVPs issued thereto.
 - 6.2.4. ADDITIONAL REVIEWS.** Satisfactory completion of any review conducted by a CSP CVSA certified eEnforcement eOfficial **CONSISTENT WITH THESE RULES**, as may be applicable.
 - 6.2.5. ADDITIONAL CONDITIONS.** The Chief reserves the right to attach specific, additional conditions to any TVIP where the Chief determines it is necessary and ~~advisable~~ **IN THE BEST INTERESTS OF PUBLIC SAFETY** to do so.
- 6.3. TVIP AVAILABILITY:** A TVIP must be available for inspection upon demand by the CSP at the office of the TA/TO during regular business hours.
- 6.4. NON-TRANSFERRABLE:** A TVIP is not transferrable.
- 6.5. AFFECT LAWFUL AUTHORITY:** Issuance and the subsequent use of a TVIP by a TA/TO does not:

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- 6.5.1.** Affect the right of any lawful authority to check for valid state-issued ID and/or operating credentials a TA/TO may issue to a CV.
- 6.5.2.** Affect the right of any lawful authority to confirm with the Chief that a TA/TO has a valid TVIP or CVP(s) for its CV(s).
- 6.6. TVIP APPLICATION DENIAL:** Denial of a TVIP application will be in writing. The Chief may deny a TVIP when:
 - 6.6.1. INCOMPLETE.** A TVIP application is incomplete if **ANY** required fields are blank, or **ANY** required documentation is not included.
 - 6.6.2. INELIGIBLE APPLICANT.** An applicant submitting a TVIP application does not meet the definition of a TA/TO **AS** set forth within these rules.
 - 6.6.3. FINANCIAL RESPONSIBILITY.** If the Chief is unable to verify a TA/TO has a savings account or a certificate of deposit meeting the requirements of §11-35-101, CRS, or a surety bond, each satisfying the monetary amounts established by §42-1-232 (3) (C), CRS, and these rules.
 - 6.6.4. MISREPRESENTATION.** A TVIP application is determined to contain or assert one or more misrepresentations.
 - 6.6.5. RECORDKEEPING.** A TA/TO does not agree to maintain and provide records upon request as required by these rules.
 - 6.6.6. NO OR INVALID PERMIT(S).** It is determined that a TA/TO previously employed/contracted or currently employs/contracts a CV in the absence of a valid TVIP or CVP.
 - 6.6.7. ARTICLE 4, TITLE 18, CRS.** It is determined that a TA/TO previously employed/contracted or currently employs/contracts a CV convicted of offenses of Article 4, Title 18, CRS, in the 10-~~Y~~year period prior to **BEFORE** submission of the TVIP application.
 - 6.6.8. INCOMPETENT.** It is determined that a TA/TO is or has been found incompetent by the Chief for failing to adequately verify commercial vehicle information, including **VINSs**, as a vehicle-related entity.
 - 6.6.9. MISUSE.** It is determined that a TA/TO previously misused a TVIP or the authority provided thereby, or has otherwise operated in a manner inconsistent with or in violation of applicable statutes or these rules.
 - 6.6.10. APPEAL.** A TA/TO may appeal the denial of a TVIP in a manner consistent with **SECTION 6.9** of these rules.

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6.7. SUMMARY SUSPENSION: A TVIP may be summarily suspended for up to 60 days, pending a TVIP cancellation hearing. Summary suspension of a TVIP may occur when the Chief determines that irreparable harm may occur if ~~the~~ **A TA/TO** continues to use their TVIP to complete third-party verifications of commercial vehicle information, including VINs, as a vehicle-related entity.

6.7.1. NOTICE. Notice of the summary suspension of a TVIP will be provided in writing and in compliance **CONSISTENT** with §24-4-104, CRS.

6.7.2. APPEAL. A TA/TO may appeal a summary suspension in writing in a manner consistent with the appeal of a TVIP cancellation set forth within ~~s~~**Section 6.9** of these rules.

6.7.3. FINAL DECISION. After 60 days, and an opportunity to appeal the decision to the Chief, the decision to summarily suspend a TVIP pending a cancellation hearing will become final.

6.8. CANCELLATION: The Chief may cancel a TVIP when:

6.8.1. INELIGIBLE. A TVIP holder no longer satisfies the definition of a TA/TO **AS IT IS** set forth within ~~BY~~ these rules.

6.8.2. COMPLIANCE. A TA/TO fails to operate in compliance **CONSISTENT** with §42-1-232, CRS, ~~or~~ **AND** these rules.

6.8.3. MISREPRESENTATION. It is discovered that a TA/TO asserted **OR SUPPORTED** a misrepresentation in their **A** TVIP application or in a CVP application.

6.8.4. RECORDKEEPING. A TA/TO is discovered or determined to have failed to maintain or produce ~~upon~~ **IN RESPONSE TO A REQUEST FROM THE** CSP request copies of all **RELEVANT** documentation related to participation in the TVVP, including:

6.8.4.1. Copies of all commercial vehicle verifications completed.

6.8.4.2. Copies of all receipts or invoices issued for completed commercial vehicle VIN verifications.

6.8.4.3. **COPIES** of all related documents for CVs currently or previously employed/contracted by a TA/TO during an active TVIP period, plus 6 months, ~~as is appropriate.~~

6.8.5. NOTICE OF SEPARATION. A TA/TO fails to provide sufficient written notice to the Chief of the separation of employment or **TERMINATION OF** contract with a CV for which a CVP has been issued **TO THE TA/TO. TO**

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6.8.5.1. ALLEGED OR ACTUAL CVP MISCONDUCT. When separation **OF EMPLOYMENT OR CONTRACTUAL TERMINATION** between a TA/TO and a CV involves **ACTUAL OR ALLEGED** misconduct directly related to the performance of commercial vehicle VIN verification inspections, the TA/TO must include as part of the written notice **OF SEPARATION** a **DETAILED** statement. The statement must identify the misconduct alleged. Failure to include this information will result in the written notice being determined insufficient by the Chief.

6.8.6. TVIP CANCELLATION. Cancellation of a TVIP held by a TA/TO will result in the subsequent cancellation of all CVPs held by the same TA/TO.

6.9. RIGHT TO APPEAL- TVIPs: Within ~~30~~**60** days of receiving written notice from the Chief denying, summarily suspending, or canceling a ~~TVIP~~**TVIP**, a TA/TO may request a hearing.

6.9.1. APPEAL REQUEST. A request for a hearing ~~upon~~**ON** a denied TVIP application, or cancelled or summarily suspended TVIP must:

6.9.1.1. Be in writing, addressed ~~for~~**TO** the Chief.

6.9.1.2. Explain the error asserted to have occurred, resulting in the incorrect denial, cancellation, or summary suspension of a TVIP application or permit.

6.9.2. APPEAL HEARING. The Chief will hold the hearing.

6.9.2.1. The scope of the hearing will be limited to whether a TA/TO is eligible to hold a TVIP.

6.9.2.2. Where the appeal involves the cancellation of an existing TVIP, the scope of the hearing will include **A** discussion of a TA/TO's compliance with applicable statutes and these rules.

6.9.3. APPEAL DECISION. The Chief will issue a written decision within 20 business days of the completed hearing.

6.9.3.1. If the Chief finds evidence of noncompliance or ineligibility sufficient to sustain the denial, summary suspension, or

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6.9.3.2. If the Chief finds evidence of noncompliance or ineligibility insufficient to sustain the denial, summary suspension, or cancellation of a TVIP, the prior decision to deny, summarily suspend, or cancel a TVIP will be reversed, and the application approved or the prior permit reinstated.

6.9.3.3. The decision of the Chief in either case shall ~~shall~~ **WILL** constitute a final agency action subject to judicial review as set forth by §24-4-106, CRS.

TVIN 7: CVP APPROVAL, CONDITIONS, DENIAL, SUMMARY SUSPENSION, CANCELLATION & APPEAL

7.1. WRITTEN APPROVAL: Approval of all CVP applications will be in writing from the Chief. All approved CVP applications will include a copy of the CVP issued for the CV to the ~~TA/TP~~ **TA/TO** and will be signed by the Chief.

7.2. CVP CONDITIONS: All CVPs are issued pursuant to compliance with applicable conditions. Conditions applicable to all CVPs are:

7.2.1. ACTIVE CONDITIONS. CVPs shall ~~shall~~ **WILL** be issued for a period not to exceed 36 months, at which time the TA/TO must complete a CVP application to renew the permit.

7.2.1.1. EFFECT OF SEPARATION. A CVP issued for a CV to a TA/TO will immediately become invalid upon the separation of employment or **THE TERMINATION OF A** contract between a CV and **A** TA/TO.

7.2.2. COMPLIANCE. A TA/TO must comply with the CVP requirements established by §42-1-232 (2) – (4), ~~GRS,~~ CRS. A TA/TO and a CV must use a CVP consistent with these rules.

7.2.3. TRAINING. An individual for which a CVP is issued to a TA/TO must successfully complete the CSP Civilian VIN Training Course.

7.2.4. ARTICLE 4, TITLE 18, CRS. Absence of any convictions against the CV identified in a CVP for violations of Article 4, Title 18, CRS, within the 10 years prior to ~~to~~ **BEFORE** the submission of the CVP application. Similarly, the CV cannot be convicted of violations of Article 4, Title 18, CRS, during the active period during which the CVP is issued.

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- 7.3. CVP AVAILABILITY:** A CVP must be available for inspection by the CSP at the office of the TA/TO during regular business hours.
- 7.4. NON-TRANSFERRABLE:** A CVP is not transferable.
- 7.5. AFFECT UPON ~~ON~~ LAWFUL AUTHORITY:** The issuance and subsequent use of a CVP does not:
- 7.5.1.** Affect the right of any lawful authority to check for valid state-issued ID and/or operating credentials that a TA/TO may issue to a CV.
 - 7.5.2.** Affect the right of any lawful authority to confirm with the Chief that a CV is operating pursuant to a valid CVP.
- 7.6. CVP SPECIFIC TO TA/TO:** A CVP is valid only when used by a CV operating on behalf of the TA/TO the CVP is issued to.
- 7.6.1.** The Chief may approve CVP applications submitted by more than one TA/TO for a single CV.
 - 7.6.2.** If a CV is employed by or contracted with more than one TA/TO, each TA/TO must complete a separate CVP application for the CV.
 - 7.6.3.** Prior approval of a CVP application for a CV employed by or contracted with a TA/TO does not guarantee approval of a subsequent CVP application from another TA/TO for the same CV.
- 7.7. CVP DENIAL:** The Chief may deny a CVP application in writing when:
- 7.7.1. NO TVIP.** The TA/TO submitting the CVP application does not have a valid TVIP.
 - 7.7.2. INELIGIBLE APPLICANT.** The TA/TO submitting the CVP application fails to meet the definition of a TA/TO as defined ~~within~~ **IN** these rules.
 - 7.7.3. INCOMPLETE.** The CVP application or the required documentation to support it ~~it~~ **THE APPLICATION** is determined to be incomplete.
 - 7.7.4. NO AFFILIATION WITH TA/TO.** The CV identified in the CVP application is not employed by or contracted with the TA/TO **IDENTIFIED WITHIN AND** submitting the application.
 - 7.7.5. TRAINING.** The CV identified in the CVP application fails ~~or failed to~~ complete the CSP Civilian VIN Training Course successfully.
 - 7.7.6. ARTICLE 4, TITLE 18, CRS.** The CV identified in a CVP application is determined to have been convicted of violations of Article 4, Title 18, CRS,

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7.7.7. WRITTEN DECLARATION. The CV identified in the CVP application fails to complete a written declaration confirming that he or she has not been convicted of violations of Article 4, Title 18, CRS, within 10 years prior to **BEFORE** the date of the CVP application. An original copy of the signed declaration must be included as part of the application submission.

7.7.8. MISREPRESENTATION. The CVP application is determined to contain or assert misrepresentations.

7.7.9. INCOMPETENCE. The TA/TO submitting the CVP application or the CV for which the CVP is being submitted **FOR** is or has been previously determined to be incompetent **BECAUSE** as a consequence of failing to adequately verify commercial vehicle information, including VINs, as a vehicle-related entity.

7.7.10. MISUSE. It is determined that the TA/TO submitting the CVP or the CV for which the CVP is being submitted has been previously determined to have misused the TVIP or CVP, or either otherwise is found to have operated in a manner inconsistent or in violation of applicable statutes or rules.

7.8. CVP SUMMARY SUSPENSION: A CVP may be summarily suspended for up to 60 days, pending a cancellation hearing. Summary suspension of a CVP may occur where it is determined irreparable harm will occur if either the TA/TO or the CV for which the CVP is issued continues to verify commercial vehicle information, including VINs.

7.8.1. NOTICE. Notice of summary suspension of a CVP will occur in writing and will be addressed to the TA/TO and the CV, consistent with §24-4-104, CRS.

7.8.2. APPEAL. Either the TA/TO or the CV may appeal the summary suspension of a CVP in writing, in a manner consistent with the appeal of a cancellation of a CVP by either a TA/TO or a CV as set forth in 7.10 of these rules.

7.8.3. FINAL DECISION. After 60 days, and an opportunity to appeal a summary suspension in writing to the Chief, the decision to summarily suspend a CVP pending a cancellation hearing will become final.

7.9. CVP CANCELLATION: A CVP may be cancelled when:

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- 7.9.1. INELIGIBLE TA/TO.** A TA/TO is determined to no longer hold a valid TVIP.
- 7.9.2. NO AFFILIATION.** A CV is no longer employed or contracted by a TA/TO.
- 7.9.3. ARTICLE 4, TITLE 18, CRS.** A CV is convicted of an offense of Article 4, Title 18, CRS, while employed or contracted by a TA/TO or within 10 years ~~prior to~~ **BEFORE** the date of the CVP application submission by the TA/TO.
- 7.9.4. VERIFICATION ABSENT CVP.** It is determined that the CV knowingly completed third-party verifications of commercial vehicle information, including VINs, when employed by a vehicle-related entity, including a TA/TO as defined by these rules.
- 7.9.5. INCOMPETENCE.** The CV is determined incompetent for a failure to properly verify commercial vehicle information, including VINs, when employed by a vehicle-related entity, including a TA/TO as defined by these rules.
- 7.9.6. SUBSEQUENT CANCELLATION.** The cancellation of a CVP issued to a TA/TO for a CV will not necessarily result in the cancellation of any other CVP or TVIP issued to a TA/TO or the cancellation of a CVP for the same CV to another TA/TO.
- 7.9.7. SUBSEQUENT REVIEW.** The cancellation of a CVP issued to a TA/TO for a CV may result in the subsequent review of CVPs issued for the same CV to other TA/TOs.
- 7.10. RIGHT TO APPEAL.** Within ~~30~~ **60** days of receiving written notice from the Chief denying, summarily suspending, or canceling a CVP, the TA/TO or CV identified within the CVP application or permit may request a hearing appealing the decision.
 - 7.10.1. APPEAL REQUEST.** A request appealing a decision by the Chief to deny a CVP application or to summarily suspend or cancel a CVP must:
 - 7.10.1.1.** Be in writing and addressed to the Chief.
 - 7.10.1.2.** Explain why the TA/TO or CV believes the denial of the application or summary suspension or cancellation of a CVP is in error.
 - 7.10.2. APPEAL HEARING.** The Chief will hold the hearing.
 - 7.10.2.1.** The scope of the hearing will be limited to the CVP application or permit appealed, regardless of any other CVPs applied for or held by a TA/TO or that identify a CV.

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7.10.2.2. Where the appeal involves the cancellation of an existing CVP, the scope of the hearing will include **A** discussion of compliance with these rules by the TA/TO and/or the CV as may be relevant.

7.10.3. APPEAL DECISION. The Chief will issue a written decision within 20 business days of the completed hearing.

7.10.3.1. If the Chief finds evidence of noncompliance ~~of~~ **OR** ineligibility sufficient to sustain **THE** denial, summary suspension, or cancellation of a CVP, **THE PRIOR DECISION** will be sustained.

7.10.3.2. If the Chief finds evidence ~~of ineligibility or noncompliance is~~ insufficient to sustain the **PRIOR DECISION OF** denial, summary **SUSPENSION**, or cancellation of a CVP, the denial, summary suspension, or cancellation ~~of a CVP~~ will be reversed, and the application **WILL BE** approved, or **THE** prior permit **WILL BE** reinstated.

7.10.3.3. The decision of the Chief, in either case, shall ~~WILL~~ constitute a final agency action subject to judicial review ~~as set forth by~~ **CONSISTENT WITH** §24-4-106, CRS.

TVIN 8: ~~AGENCY DOCUMENT RETENTION, REFERENCED SOURCES REFERENCES, AND PUBLIC INFORMATION~~

8.1. DOCUMENT RETENTION: COPIES OF ALL DOCUMENTS RECEIVED BY THE CSP FROM APPLICANTS, TA/TOs, OR CVs CONSISTENT WITH THESE RULES, AND COPIES OF ANY REVIEWS COMPLETED BY CSP ENFORCEMENT OFFICIALS ON ANY TA/TOs OR CVs PARTICIPATING IN THE TVVP WILL BE MAINTAINED BY THE CSP. DOCUMENTS WILL BE MAINTAINED CONSISTENT WITH STATE OF COLORADO DOCUMENT RETENTION GUIDELINES OR AS SPECIFICALLY SET FORTH BY TITLE 24, ARTICLE 80 OF THE CRS. ~~All publications, standards, guidelines, and rules adopted and/or incorporated by reference by these rules are on file and available for examination at any state publications depository library as required by §24-4-103 (12.5), CRS. These rules reference the following publications, standards, guidelines and rules, consistent with §24-4-103 (12.5), CRS:~~

8.1.1. ~~ALTERNATIVES TO SURETY BONDS PERMITTED- REQUIREMENTS- DEFINITION. §11-35-101, CRS (2020).~~

8.1.2. ~~OFFENSES AGAINST PROPERTY. Article 4, Title 18, CRS (2020).~~

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~~8.1.3. JUDICIAL REVIEW. §24-4-106, CRS (2020).~~

~~8.1.4. VEHICLES AND TRAFFIC. ARTICLES 1 – 6, Title 42, CRS (2020), as applicable.~~

8.2. REFERENCED PUBLICATIONS ~~AVAILABILITY OF PUBLICATIONS.:~~ **ALL PUBLICATIONS, STANDARDS, GUIDELINES, AND RULES ADOPTED AND/OR INCORPORATED BY REFERENCE BY THESE RULES ARE ON FILE AND AVAILABLE FOR EXAMINATION AT ANY STATE PUBLICATIONS DEPOSITORY LIBRARY AS REQUIRED BY §24-4-103 (12.5), CRS. THESE RULES REFERENCE THE FOLLOWING PUBLICATIONS, STANDARDS, GUIDELINES, AND RULES, CONSISTENT WITH §24-4-103 (12.5), CRS. All publications, standards, guidelines, forms generated by CSP to support the TVVP, and these rules are available for public inspection upon request by contacting the Investigative Services Section of the CSP Criminal Investigations Branch at 15055 S. Golden Road, Golden, CO., 80401, 303-273-1771.**

8.2.1. 8.1.1. ALTERNATIVES TO SURETY BONDS PERMITTED- REQUIREMENTS- DEFINITION. §11-35-101, CRS (2020). The CSP Investigative Services Section will maintain copies of the complete texts of these rules and of those references identified in 8.1 of these rules and will make them available for public inspection during regular business hours. Interested parties may request copies of these documents for a reasonable fee from the Investigative Services Section. These rules and the referenced publications listed 8.1. are also available at no charge online.

8.2.2. 8.1.2. OFFENSES AGAINST PROPERTY. Article 4, Title 18, CRS (2020). Copies if these rules are accessible online through the CDPS website at <HTTPS://WWW.COLORADO.GOV/PACIFIC/PUBLICSAFETY/RULES-AND-REGULATIONS-6>.

8.2.3. 8.1.3. JUDICIAL REVIEW. §24-4-106, CRS (2020). Copies of the Colorado Revised Statutes are accessible online through a link available on the Colorado General Assembly website at <HTTPS://LEG.COLORADO.GOV/LAWS/COLORADO-REVISED-STATUTES>

8.2.4. 8.1.4. VEHICLES AND TRAFFIC. ARTICLES 1 – 6, Title 42, CRS (2020), as applicable.

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8.3. AVAILABILITY OF PUBLICATIONS AND OTHER DOCUMENTS: All publications, standards, guidelines, **AND** forms generated by **THE CSP** to support the TVVP, and these rules are available for public inspection upon request by contacting the ~~Investigative Services Section~~ **COLORADO STATE PATROL CENTRAL RECORDS UNIT (CRU) AT 15005 S. Golden Road, Golden, CO., 80401, 303-273-1771 700 KIPLING ST., LAKEWOOD, CO., 80215, 303-239-4180 OR CDPS_CSPRECORDS@STATE.CO.US OR ONLINE AT HTTPS://CSP.COLORADO.GOV/TALK-WITH-US/CENTRAL-RECORDS-UNIT.** These rules and the referenced materials listed in **SECTION 8.2 OF THESE RULES** are also available at no charge online. ~~These rules do not include later amendments to or editions of any publication, standards, guidelines or rules incorporated by reference herein.~~

8.3.1. ~~The CSP Investigative Services Section will maintain copies of the complete texts of these rules and of those references identified in 8.1-8.2 of these rules and will make them available for public inspection during regular business hours~~ **AS DEFINED WITHIN THESE RULES.** Interested ~~p~~Parties may request copies of these documents for a reasonable fee **THROUGH** ~~from the Investigative Services Section~~ **CSP CRU.** These rules and the referenced publication listed **IN 8.1-SECTION 8.2 OF THESE RULES** are also available at no charge online.

8.3.2. Copies ~~if~~ **OF** these rules are accessible online through the **CDPS RULEMAKING INFORMATION** website, at **HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/CDPS-RULES-AND-REGULATIONS.**

8.3.3. Copies of the Colorado Revised Statutes are accessible online through a link available on the Colorado General Assembly website at **HTTPS://LEG.COLORADO.GOV/LAWS/COLORADO-REVISED-STATUTES.**

8.4. LATER AMENDMENTS: EXCEPT FOR ANY AMENDMENTS TO THE CRS, ~~These~~ rules do not include later amendments to or editions of any publication, standards, guidelines, or rules incorporated by reference herein. **INQUIRIES.** ~~Address all inquiries or contact with the CSP regarding these rules, their applicability, or the TVVP to:~~

~~Colorado State Patrol
Criminal Investigations Branch
Investigative Services Section
15055 S. Golden Road~~

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~~Golden, CO., 80401
303-273-1771 (Phone)
303-273-1822 (Fax)~~

8.5. SEVERABILITY: IF ANY PROVISION OF THESE RULES OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS DETERMINED TO BE UNLAWFUL OR INVALID, THE REMAINING PROVISIONS OF THESE RULES WILL NOT BE AFFECTED ABSENT A SPECIFIC REFERENCE BY THE REMOVAL OR EXCISE THEREOF.

8.6. INQUIRIES: Address all inquiries or contact with the CSP regarding **CONCERNING** these rules, their applicability, or the TVVP to:

Colorado State Patrol
Criminal Investigations Branch
Investigative Services Section
~~15055 S. Golden Road~~
15204 W. 12TH AVE.
Golden, CO., 80401
303-273-1771 (Phone)
303-273-1822 (Fax)