

DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

4 CCR 723-6

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

BASIS, PURPOSE, AND STATUTORY AUTHORITY

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

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-7-112 and 113, 40-10.1-101 through 705; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 24-4-104(4), C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. Rules 6700 – 6724 apply to all Transportation Network Companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

6001. Definitions.

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by the use of any oral, written, or graphic statement made in a newspaper or other publication, on radio, television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property. § 40-10.1-101(1), C.R.S.

- (b) "Advice Letter" has the same meaning as set forth in paragraph 1004(d) of the Commission's Rules of Practice and Procedure.
- (c) "Airport Official" means any Person, designated by the airport's management or administration, who is connected with the operation, maintenance, security or servicing of the airport and identified by an airport identification badge.
- (d) "Annual Report" refers to the information required from Fully Regulated Intrastate Carriers as set forth in rule 6212.
- (e) "Authority" or "Authorities," except as otherwise defined or contextually required, means a Certificate of Public Convenience and Necessity granted to a Common Carrier or the Permit granted to a Contract Carrier, or an emergency temporary Authority or a temporary Authority issued by the Commission. The Authority specifies the Type of Service, the authorized geographic area of service, and any restrictions limiting the authorized service.
- (f) "AVI" means Automatic Vehicle Identification Tag.
- (g) "Call-and-Demand", "On Call-and-Demand", or "Call-and-Demand Service" means the transportation of Passengers by a Common Carrier, but not on a Schedule.
- (h) "CBI" means the Colorado Bureau of Investigation.
- (i) "Certificate of Public Convenience and Necessity", "Certificate", or "CPCN" means the Authority issued to a Common Carrier declaring that the present or future public convenience and necessity requires or will require the stated operation.
- (j) "C.F.R." means the Code of Federal Regulations.
- (k) "Charter Bus," "Charter Basis," and "Charter Order" refer to service by a Limited Regulation Carrier and are defined at rule 6301.
- (l) "Charter Service" is different from the service referred to in (k) above. Charter Service is transportation by a Common Carrier on a Call-and-Demand basis. The Passengers are individuals or groups of individuals who share a personal or professional relationship whereby all such individuals are members of the same affiliated group, including a family, business, religious group, social organization, or professional organization. This does not include groups of unrelated individuals brought together by a carrier, Transportation Broker, or other third party.
- (m) "Children's Activity Bus" means a type of Limited Regulation Carrier as defined in rule 6301.
- (n) "Commercial Motor Vehicle" is defined at paragraph 6101(b).
- (o) "Commission" has the same meaning as set for in paragraph 1004(h) of the Commission's Rules of Practice and Procedure.
- (p) "Common Carrier" is a public utility as defined in § 40-1-102, C.R.S., and includes the obligation to indiscriminately accept and carry Passengers for Compensation. Common Carrier includes every Person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state, by Motor Vehicle; except that the term does not include a Contract Carrier as defined by § 40-10.1-101(6), C.R.S.; a Motor Carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; a Limited Regulation Carrier defined by § 40-10.1-301, C.R.S.; a Large Market Taxicab Service defined by § 40-10.1-101(9.5) C.R.S.; and a Transportation Network Company defined under § 40-10.1-602, C.R.S.

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

- (gg) "Fully Regulated Intrastate Carrier" means a Motor Carrier that is subject to market entry, economic, operational, and safety regulation by the Commission as a public utility pursuant to Article 10.1 of Title 40, C.R.S. Fully Regulated Intrastate Carriers include Common Carriers, such as Taxicab Carriers, Shuttle Service, formerly known as Limousine Service, Sightseeing Service, or Charter Service, and Contract Carriers.
- (hh) "Golf Cart" means a Golf Cart as defined in § 42-1-102(39.5), C.R.S.
- (ii) "GCWR" means Gross Combination Weight Rating, the value specified by the Manufacturer as the loaded weight of a combination (articulated) Motor Vehicle. In the absence of a value specified by the Manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
- (jj) "GVWR" means Gross Vehicle Weight Rating, the value specified by the Manufacturer as the loaded weight of a single Motor Vehicle.
- (kk) "Household Goods Mover" or "Mover" refers to a Motor Carrier whose business is the moving of household goods from one location to another, as set forth in § 40-10.1-501, C.R.S., et seq.
- (ll) "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (mm) "Intrastate Commerce" means transportation, other than in interstate commerce, for Compensation, by a Motor Vehicle over the public highways between points in Colorado. § 40-10.1-101(9), C.R.S.
- (nn) "Large Market Taxicab Service" means indiscriminate Passenger transportation for Compensation in a Taxicab on a Call-and-Demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld as defined in § 40-10.1-101(9.5), C.R.S., and is not a Common Carrier.
- (oo) "Letter of Authority" means a document issued by the Commission to a Common or Contract Carrier which describes the permanent Authority granted by the Commission. A Letter of Authority is deemed to provide proof of Commission-granted Common or Contract Carrier Authority.
- (pp) "Limited Regulation Carrier" means a Person who provides service by Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine, or Off-Road Scenic Charter as those terms are defined in § 40-10.1-301, C.R.S. and rule 6301.
- (qq) "Live Meter" means any Taxicab Meter that, without intervention from the Driver, automatically calculates changes in rates for Taxicab Service due to waiting time, traffic delay, or changes in the Taxicab's speed.
- (rr) "Low-power Scooter" means low-power scooter as defined in § 42-1-102(48.5), C.R.S.
- (ss) "Low-speed Electric Vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.
- (tt) "Limousine Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate, and the use of the Motor Vehicle is not exclusive to any individual or group. Limousine Service is also referred to as Shuttle Service which is defined below. The term Limousine Service is distinguished from the term "Luxury Limousine Service" as used in Article 10.1 of Title 40, C.R.S. and is only used in historical authorities.

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- (uu) "Luxury Limousine Carrier" is a type of Limited Regulation Carrier that provides luxury limousine service as defined at rule 6301, using vehicles defined at rule 6305.
- (vv) "Manufacturer" means the final Person modifying the physical structure of a Motor Vehicle, such as the original Manufacturer or a Person subsequently modifying a Motor Vehicle's wheelbase in a Luxury Limousine.
- (ww) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (xx) "Motor Carrier" has the same meaning as set forth in paragraph 1004(s) of the Commission's Rules of Practice and Procedure and § 40-10.1-101(10), C.R.S.
- (yy) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (zz) "Motor Vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby. § 40-10.1-101(11), C.R.S.
- (aaa) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- (bbb) "Off-Road Scenic Charter" means a Limited Regulation Carrier as further defined in rule 6301.
- (ccc) "On Duty" means:
- (I) all time that a Driver is at a facility of the Motor Carrier as well as time waiting to be dispatched while on public property or at a commercial holding lot;
 - (II) all time that a Driver is inspecting, servicing, or repairing a Motor Vehicle;
 - (III) all Driving Time; and
 - (IV) all time a Driver spends sitting at the controls of a Motor Vehicle, performing any other work in the capacity, employ, or service of the Motor Carrier.
- (ddd) "Out-of-Service" is a state in which a Driver or Motor Vehicle is placed by an Enforcement Official due to a violation of Commission safety rules or Commercial Vehicle Safety Alliance Out-of-Service criteria. When a Driver is placed Out-of-Service, the Driver shall not operate any Motor Vehicle in a for hire capacity until such time the Out-of-Service violation is cured. When a Motor Vehicle is placed Out-of-Service, the vehicle shall not be operated in a for-hire capacity until such time the Out-of-Service violation is cured.
- (eee) "Passenger", except as otherwise specifically defined or contextually required, means any Person, other than a Driver, occupying a Motor Vehicle including any assistance animals as defined in § 24-34-803, C.R.S.
- (fff) "Passenger Carrier" is defined in rule 6114.
- (ggg) "Permit" means the Permit issued to: a Contract Carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S.; a Limited Regulation Carrier pursuant to part 3 of Article 10.1 of Title 40, C.R.S.; a Towing Carrier pursuant to part 4 of Article 10.1 of Title 40, C.R.S.; a Household Goods Mover pursuant to part 5 of Article 10.1 of Title 40, C.R.S.; a Transportation Network Company pursuant to part 6 of Article 10.1 of Title 40, C.R.S.; or a Large Market Taxicab Service carrier pursuant to part 7 of Article 10.1 of Title 40, C.R.S.
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(hhh) "Person" has the same meaning as set forth in paragraph 1004(w) of the Commission's Rules of Practice and Procedure and at § 40-10.1-101(15), C.R.S.

(iii) "Principal" means a Person who:

- (I) participates directly or indirectly in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
- (II) is authorized to act on behalf of an entity;
- (III) participates in the election, appointment, or hiring of Persons that are authorized to act on behalf of an entity; and
- (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission's jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of Principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

(jjj) "Roof Light" means a light attached to the roof or extending above the roofline of a Taxicab for the purpose of displaying information.

(kkk) "Salvage Vehicle" means a vehicle branded as a Salvage Vehicle by any state, or the insurer of the vehicle as further set forth in § 42-6-102(17), C.R.S.

(lll) "Scheduled Service", "On Schedule", or "Schedule" means the transportation of Passengers by a Common Carrier between fixed points and over designated routes at established times as specified in the Common Carrier's Tariff filed with and approved by the Commission.

(mmm) "Seating Capacity" means the greatest of the following:

- (I) the total number of seats as designed by the original Manufacturer;
- (II) the total number of seat belts, including the Driver's, in a Motor Vehicle;
- (III) the number generated by adding:
 - (A) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;
 - (B) the number of single-occupancy seats, including the Driver's seat if it is not part of a split-bench seat; and
 - (C) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number; and
- (IV) the total number of seating positions within the vehicle.
- (V) Auxiliary seating positions, such as folding jump seats, shall be counted in determining Seating Capacity.

- (nnn) "Shuttle Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate and use of the Motor Vehicle is not exclusive to any individual or group. Historical Certificates of Public Convenience and Necessity refer to this service as Limousine Service, which is different than Luxury Limousine Service that is provided by a Limited Regulation Carrier.
- (ooo) "Sightseeing Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest.
- (ppp) "Special Bus Service," "Special Bus Transportation", or "Special Bus" is defined in rule 6201.
- (qqq) "Tariff" means a schedule showing all rates and charges to be assessed by a Fully Regulated Intrastate Carrier, for all transportation and accessorial services. The Tariff also discloses all rules and conditions relating its rates and services, and time Schedules as applicable.
- (rrr) "Taxicab" means a Motor Vehicle with a Seating Capacity of eight or less, including the Driver, operated in Taxicab Service. § 40-10.1-101(18), C.R.S.
- (sss) "Taxicab Carrier" means a Common Carrier with a Certificate to provide transportation in a Taxicab on a Call-and-Demand basis, with the first Passenger therein having exclusive use of the Vehicle unless said Passenger agrees to Multiple Loading.
- (ttt) "Taxicab Service" means an indiscriminate Passenger transportation service provided by either a Large Market Taxicab Service carrier or a Taxicab Carrier, on a Call-and-Demand basis, with the first Passenger having exclusive use of the Taxicab unless such Passenger agrees to Multiple Loading. § 40-10.1-101(9.5) and (19), C.R.S.
- (uuu) "Towing Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.
- (vvv) "Transfer" is defined at paragraph 6201(h).
- (www) "Transportation Broker" means a Person, who, for Compensation, arranges, or offers to arrange, for-hire, transportation of Passengers by a Motor Carrier under authority not operated by the Transportation Broker.
- (xxx) "Transportation Network Company" or "TNC" means a corporation, partnership, sole proprietorship, or other entity operating in Colorado, that uses a digital network to connect riders to drivers for the purpose of providing transportation. A Transportation Network Company does not provide Taxicab Service, transportation service arranged through a Transportation Broker, ridesharing arrangements, as defined in § 39-22-509(1)(a)(II), C.R.S., or any transportation service over fixed routes at regular intervals. A Transportation Network Company is not deemed to own, control, operate, or manage the personal vehicles used by Transportation Network Company drivers. A Transportation Network Company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended. § 40-10.1-602(3), C.R.S.
- (yyy) "Type of Service" means any one of the following services provided by a Common Carrier under its Certificate of Public Convenience and Necessity: Charter, Shuttle, Sightseeing, Taxicab, or Scheduled.

- (zzzz) "Unified Carrier Registration Agreement" or "UCR" or "UCR Agreement" refers to all Persons, Motor Carriers, freight forwarders, brokers, leasing companies or other Persons who are required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. 14504(a).
- (aaaa) "Vehicle Inspection" refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (bbbb) "Vehicle Maintenance File" refers to the information required by rule 6112.
- (cccc) "Vehicle Stamp" or "Motor Vehicle Identification Stamp" refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

6002. Applications.

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

- (a) the grant or extension of Authority, temporary Authority, or emergency temporary Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rules 6203 and 6204;
- (b) voluntarily abandon or suspend an Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rule 6205;
- (c) Transfer any Authority to operate as a Fully Regulated Intrastate Carrier, to acquire control of any Fully Regulated Intrastate Carrier, or to merge or consolidate a Fully Regulated Intrastate Carrier with any other entity, as provided in rule 6206;
- (d) amend a Tariff or time Schedule on less than statutory notice, as provided in rules 6208 and 6209;
- (e) convert a Common Carrier Authority for Taxicab or Shuttle Service, in whole or in part, to a Transportation Network Company as provided in § 40-10.1-605(n), C.R.S. and rule 6257;
- (f) permit to operate as a Part 3 Limited Regulation Carrier;
- (g) permit to operate as a Part 7 Large Market Taxicab Service carrier;
- (h) permit to operate as a Part 4 Towing Carrier; or
- (i) permit to operate as a Part 5 Household Goods Mover.

6003. Petitions.

- (a) Any Person may seek Commission action regarding any of the following through the filing of an appropriate petition:
 - (I) for a waiver or variance of a Commission rule, as provided for in rule 1003 of the Commission's Rules of Practice and Procedure by establishing hardship, seeking equity, or a more effective implementation of overall policy on an individual basis;
 - (II) for issuance of a declaratory order, as provided in paragraph 1304(i); or
 - (III) to commence a rulemaking as provided in rule 1306.

- (b) A Person seeking a waiver of rule 6109 (Medical Fitness) 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.

6004. UCR Registration.

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

6005. Naming Requirements, Contact Information, and Changes.

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

6006. Designation of Agent, Service, and Notice.

- (a) In addition to providing contact information as set forth in rule 6005 above, each Motor Carrier shall file in writing with the Commission, its designation of the name, mailing address, and physical address of a Person upon whom service may be made of any lawful notice, order, process, or demand. The named Person is the Motor Carrier's designated agent for service as provided in these rules and under Colorado statutes. A Motor Carrier shall not designate the Secretary of State of Colorado as its designated agent. The Person designated, if a natural Person, shall be at least 18 years of age. The address and domicile of the Person designated shall be in the state of Colorado.
- (b) Each Motor Carrier shall notify the Commission of any changes in the designated agent's identity, name, mailing address, physical address, email address, or phone number by filing a new designation within two days following the effective date of such change.
- (c) Service upon a Motor Carrier's designated agent, on file with the Commission, shall be deemed to be service upon the Motor Carrier.

- (d) Notice sent to the Motor Carrier's designated agent on file with the Commission shall constitute prima facie evidence that the Motor Carrier received the notice.

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

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

- (l) No Motor Carrier, its agents, or its representatives, shall produce or retain false records or records the Motor Carrier, its agents, or its representatives knew or should have known to be false or inaccurate. The Motor Carrier shall be responsible for the accuracy of the records it retains and produces.

6008. Financial Responsibility.

- (a) Financial responsibility requirements.

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

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

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

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

- (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers' Compensation Form WC43 including a part B for each Person listed on part A; or
 - (ii) for other Towing Carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. In addition to the Motor Vehicle liability coverage and, the cargo liability coverage, set forth above, every Mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. All Movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) The Motor Carrier shall ensure that insurance or surety bond coverage:
 - (I) is provided only by insurance or surety companies authorized to provide such coverage in the state of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and § 42-7-501, C.R.S.;
 - (II) is not less than the minimum limits set forth under paragraph (a) of this rule;
 - (III) covers all Motor Vehicles which may be operated by or for the Motor Carrier, or which may be under the control of the Motor Carrier, regardless of whether such Motor Vehicles are specifically described in the policy or amendments or endorsements thereto;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the Motor Carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the Motor Carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a Motor Carrier to pay insurance or surety benefits directly to a party damaged by said Motor Carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the Motor Carrier's insurance or surety policy.
- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) do not apply to Motor Carriers with regard to proof of self-insurance pursuant to 49 C.F.R. 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (b) do not apply to workers' compensation requirements for Towing Carriers pursuant to § 40-10.1-401(3), C.R.S.
- (d) The Motor Carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of Motor Vehicle liability coverage in each Motor Vehicle that it operates.
- (e) The Motor Carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the Motor Carrier is in violation of the requirements of this rule.

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

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

- (a) Whenever Commission records indicate that a Motor Carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Authority or Permit.
- (b) Whenever Commission records indicate that a Towing Carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6008 the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Permit.

- (c) Failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance.
- (d) The summary suspension shall be effective on the date of coverage cancellation.
- (e) The Commission shall notify the Motor Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (II) that its Authority or Permit is summarily suspended as of the coverage cancellation date;
 - (III) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date;
 - (IV) that the Commission has initiated a proceeding to revoke its Authorities or Permits;
 - (V) that it may submit, at a hearing convened to determine whether its Authorities or Permits should be revoked, written data, views, and arguments showing why such Authorities or Permits should not be revoked; and
 - (VI) the date, time, and place set for such hearing.
- (f) Until proper proof of insurance or surety coverage, or documentation demonstrating that coverage is not required as to workers' compensation insurance coverage, is filed with the Commission, a Motor Carrier receiving notice of summary suspension shall not, under any of its Authorities or Permits, conduct operations after the effective date of such summary suspension.
- (g) If the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required prior to the hearing, the summary suspension will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (h) After the hearing and prior to a final decision by the Commission, if the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (i) After the hearing and upon proof of violation of the financial responsibility requirements by a final Commission decision, the Authority or Permit will be revoked.
- (j) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6010. [Reserved].

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

- (a) The Commission may summarily suspend a Motor Carrier's Certificate or Permit in accordance with § 24-4-104(4), C.R.S., and pursuant to the following process.

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

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

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

6013. Period of Ineligibility.

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

6014. Prohibited Credit Card Fees.

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

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

- (a) All Motor Vehicles, with the exception of Luxury Limousines which are covered by rule 6303, must have external markings as detailed below. The markings must:
 - (I) appear on both sides of vehicles or on the front and back of the vehicle;
 - (II) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (III) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (IV) be maintained in a manner that retains the legibility required above;
 - (V) display the name or a trade name as set forth in the Motor Carrier's Certificate(s), Contract Carrier Permit(s), Limited Regulation Permit(s) (Charter Bus, Children's Activity Bus, Fire Crew Transport, and Off-Road Scenic Charter); Large Market Taxi Permit(s); Household Goods Permit(s); or Towing Carrier Permit(s);
 - (VI) display the letter and/or number designation of the Motor Carrier's Certificate(s) and or Permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (VII) either be permanently affixed on the Motor Vehicle or consist of a removable device.

- (b) Subparagraphs (a)(V) and (a)(VI) shall not apply to a Commercial Motor Vehicle that is subject to 49 U.S.C. § 14506 regarding restrictions on identification of vehicles.
- (c) Roof Lights. Except as otherwise required by law, only a Taxicab operated by a Common Carrier under an Authority to provide Taxicab Service or a Large Market Taxicab Service may have a Roof Light. In lieu of a Roof Light, a digital light providing identifying information may be installed on the condition that it is placed in the front and rear windshield and does not obstruct the Driver's view.
- (d) A Motor Carrier shall remove all markings, including Roof Lights, required or authorized by this rule from a Motor Vehicle that the Motor Carrier is permanently withdrawing from service.

6016. Restrictions on Offering or Advertising Transportation Service.

- (a) No Person shall offer to provide a transportation service without an Authority or Permit to provide such service.
- (b) Advertising to arrange transportation service as a Transportation Broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service. A Person shall be presumed to have offered transportation service if the Person has not disclosed the fact that the services are being arranged by a Transportation Broker.
- (c) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (d) No Motor Carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's Authority or Permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
 - (I) If a Motor Carrier operates its Authority or Permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's Authority or Permit.
 - (II) If a Motor Carrier holds an Authority or Permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (e) Each advertisement of a Mover shall include the phrase "CO PUC Mover Permit No. [HHG Permit number]" and the physical address of the Mover.
- (f) Each advertisement of a Towing Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC. [T- Permit number]" of the Towing Carrier.
- (g) Each advertisement of a Luxury Limousine Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC [LL- Permit number]".

CIVIL PENALTIES

6017. Definitions

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

- (a) “Civil Penalty” means any monetary penalty assessed against a Person as the result of violations of statutes in Articles 7 and 10.1 of Title 40, C.R.S., and violations of the safety regulations published in 49 C.F.R. 382 (Controlled Substances and Alcohol Use and Testing); 392 (Driving Commercial Vehicles); 395 (Hours of Service) and 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director’s designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.
- (b) “Civil Penalty Assessment” means the act by the Commission of imposing a Civil Penalty against a Person subject to these rules after that Person has admitted liability or has been adjudicated by the Commission to be liable for violations of Articles 7 or 10.1 of Title 40, C.R.S., or 49 C.F.R. 386, Commission rules, and Commission orders.
- (c) “CPAN” means the written document by which a Person subject to these rules is given notice of an alleged violation. Pursuant to § 40-7-116, C.R.S., a CPAN may be issued by an Enforcement Official of the Commission, the Colorado State Patrol, or a Port of Entry Officer.
- (d) For purposes of this rule, an Enforcement Official includes the Colorado State Patrol and a Port of Entry Officer, authorized by § 40-7-116, C.R.S.

6018. Maximum Civil Penalties, without Statutory Enhancement.

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANs for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 C.F.R. 386, subpart G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S., the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S., as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.

- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to, or Commission adjudication of, a liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 C.F.R. 386, subpart G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000
§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating in violation of the Certificate	\$1,100
§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, or Off-Road Scenic Charter in Intrastate Commerce without first having obtained a Permit from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-205 and 40-7-113(1), C.R.S. Rule 6206	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining authorization from the Commission	\$1,100
Rule 6007	Violation of record keeping rule or refusal to make records, facilities, personnel, or Drivers available for interview	\$1,100
Rules 6105, 6106, and 6116	Failure to abide by Out-of-Service orders	\$1,100
Rules 6106, 6107, 6109 6114, and 6116	Requiring or permitting a Person, who does not meet the Driver minimum qualification, to act as a Driver	\$1,100
Rule 6110	Violation of hours of service requirements.	\$1,100
Rule 6111	Failure to maintain digital log system and dispatch system	\$1,100
Rules 6208 and 6209	Failure to have Tariffs or time Schedules on file and or failure to operate pursuant to the Tariffs or time Schedules	\$1,100
Rule 6306	Providing Luxury Limousine Service or service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis	\$1,100
Rule 6015	Improper use of exterior vehicle markings, signs, graphics or Roof Light	\$500
Rule 6016	Violating the restrictions on offering or Advertising transportation services	\$500

Citation	Description	Maximum Penalty Per Violation
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

6019. Doubling and Tripling of Civil Penalties.

- (a) The Commission may assess doubled penalties for similar violations within 24 months pursuant to § 40-7-113(3), C.R.S., as follows:
 - (I) the Person has admitted liability by paying a previous Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the doubled Civil Penalties are sought violates the same statute, rule or order; and
 - (III) the conduct for which the doubled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.
- (b) The Commission may assess tripled penalties for similar violations occurring three times within 24 months pursuant to § 40-7-113(4), C.R.S., as follows:
 - (I) the Person has admitted liability by paying the Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the tripled Civil Penalties are sought violates the same statute, rule or order as conduct for which the Person has admitted liability by paying the Civil Penalty or conduct for which the Person has been adjudicated by the Commission in an administratively final written decision to be liable; and
 - (III) the conduct for which the tripled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.
- (c) Doubled and tripled penalties may be sought in the same CPAN.
- (d) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of or in addition to, issuing Civil Penalties.

6020. Report by Commission Staff.

At least once every twelve months, or more frequently if requested by the Commission, the Commission staff shall provide a report to the Commissioners and to the Director of the Commission of the financial results (for Fully Regulated Intrastate Carriers), the operational performance of Motor Carriers regulated by these rules as well as the enforcement and compliance actions taken by Enforcement Officials. The first report is due July 1, 2019. The financial and operational report shall include the following:

- (a) number of existing and new Certificates and Permits (by type) issued in the current year as well as the previous four years by Type of Service and geographical area;
- (b) total amount of revenue as reported on the Annual Report for the current year and the previous four years for each Common Carrier as well as revenue in the main geographic areas of the state;

- (c) number of trips to Denver International Airport and revenue generated for the current year and each of the last four years for each of the Common Carriers or Contract Carriers or Large Market Taxicab Service providers;
- (d) total number of Motor Vehicle Identification Stamps issued for the current year and for each of the previous four years as well as the amount of annual revenue generated from the stamps;
- (e) the total number of UCR Plan registrations each year as well as the previous four years;
- (f) number of Authorities suspended, revoked, or abandoned in the current year and each of the previous four years and a summary of the reasons for such status;
- (g) number of Permits (but not Contract Carrier permits) expired, canceled, or revoked in the current year and each of the previous four years;
- (h) number of vehicle inspections conducted by Enforcement Officials in the current year and each of the previous four years by type (vehicles 10,000 pounds or less and 15 Passenger or less and Commercial Vehicles 10,001 pounds or more and 16 Passengers or more) and a summary of the types of deficiencies noted;
- (i) safety and compliance reviews for the current year and each of the past four years; investigations opened and closed;
- (j) number of CPANs issued (by type) and the amount collected for the current year and each of the previous four years;
- (k) refunds to customers for current year and each of the past four years;
- (l) violation warnings issued for current year and each of the past four years;
- (m) 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.

6021. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

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

- (a) Rules 6100 through 6199 apply to:
 - (I) Common Carriers, Contract Carriers, Limited Regulation Carriers, Large Market Taxicab Service carriers; and
 - (II) Drivers (whether as employees or Independent Contractors), employees, and Motor Vehicles of the Motor Carriers listed in subparagraph (a)(I).
- (b) Motor Carriers that operate Commercial Motor Vehicles as defined by 49 C.F.R. 390.5, or the modifications of the Colorado State Patrol, are subject to the rules found in title 49 of the Code of Federal Regulations and the rules adopted by the Colorado State Patrol; 49 C.F.R. 382 (Controlled Substances); 391.41 (Physical Qualifications for Drivers); 392 (Driving); 395 (Hours of Service); 396 (Vehicle Inspection Repair and Maintenance); and/or 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.
- (c) Rule 6008 (Financial Responsibility) is a safety rule to provide benefits to the traveling public and is incorporated into these safety rules.

6101. Definitions.

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

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

6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

- (a) Every Motor Vehicle operated by a Motor Carrier pursuant to its Authority or Permit must obtain and display a Motor Vehicle Identification Stamp.
- (b) To obtain the Motor Vehicle Identification Stamp, the Motor Carrier shall:
 - (I) pay to the Commission an annual fee before the first day of January of each calendar year, for each Motor Vehicle that such Motor Carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.; and
 - (II) provide to the Commission, on a Commission prescribed form or through a Commission provided electronic Motor Vehicle registry, the identification of the vehicle to which the Vehicle Stamp will be placed and shall include the Manufacturer, type, model, model year, the vehicle identification number or VIN, license plate number, mileage, date of purchase and if applicable the automatic vehicle identification tag. The Motor Carrier shall also list and describe all structural modifications made to the Motor Vehicle, including the date and reason.
- (c) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (d) If the Motor Carrier does not own the vehicle or know all the information in paragraph (b) above at the time of purchase of the Vehicle Stamp, the Motor Carrier shall have 60 days from the purchase of the Vehicle Stamp to provide the information to the Commission. If the Motor Carrier does not provide the information in paragraph (b) above within 60 days, the Vehicle Stamp shall be canceled and the Motor Carrier is not entitled to a refund of the amount paid.
- (e) If the Motor Carrier is required to place an automatic vehicle identification tag on the vehicle by DIA or any other airport or tolling authority, the Motor Carrier shall, within 30 days of obtaining the transponder, provide the identifying number of the transponder to the Commission for each vehicle used by the Motor Carrier.
- (f) A Motor Carrier that obtains an Authority or Permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the Authority or Permit.
- (g) A Motor Carrier that acquires one or more additional Motor Vehicles during the calendar year shall pay the annual fee and provide the information required by this rule, prior to placing the additional vehicle(s) into service.
- (h) A Vehicle Stamp is valid only for the calendar year for which it is purchased.
- (i) A Motor Carrier shall not operate a Motor Vehicle unless it has affixed a valid Vehicle Stamp to the inside lower right-hand corner (Passenger side) of the Motor Vehicle's windshield. In the alternative, the Vehicle Stamp may be affixed to the right Passenger side window of the Motor Vehicle so long as the Vehicle Stamp does not interfere with the Driver's use of the right-hand outside mirror.
- (j) A Motor Carrier may request a replacement Vehicle Stamp if the stamp is damaged. The Commission will provide a replacement stamp, without charge, so long as the Motor Carrier requesting the replacement stamp remits a sufficient portion of the damaged stamp, including the unique number of the stamp to be replaced.
- (k) Exemption for a UCR registrant.

- (I) Except as provided in subparagraph (II) of this paragraph, a Motor Carrier is exempt from paragraphs (a) through (j) of this rule if it is a current UCR registrant.
- (II) A Motor Carrier that is also a current UCR registrant is not exempt from paragraphs (a) through (j) of this rule, for any Motor Vehicle that:
 - (A) is used only in Intrastate Commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides nonconsensual tows, or Passenger transportation that is not subject to the preemption provisions of 49 U.S.C. § 14501(a).
- (I) Exemption for a Household Goods Mover. A Mover holding a Permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (k) of this rule.

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

Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles not defined as Commercial Motor Vehicles at 49 C.F.R. 390.5, shall be an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado. Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles defined as Commercial Motor Vehicles at 49 C.F.R. 390.5 shall be qualified to perform the inspection pursuant to the requirements of 49 C.F.R. 396.19.

6104. Safety Inspections of Motor Vehicles.

- (a) Every Motor Carrier shall cause an authorized vehicle inspector to conduct an initial safety inspection of any Motor Vehicle that will be used by the Motor Carrier in providing transportation services under these rules and shall cause periodic inspections of vehicles conducted thereafter, at intervals of a least one inspection per year or as otherwise required by Commission rule or order. The Driver and the Motor Carrier shall ensure that the initial and periodic inspections are completed on a form prescribed by the Commission. A Motor Vehicle shall be placed Out-of-Service if it fails to meet the minimum vehicle inspection criteria identified in this rule. The Motor Carrier may reinstate the vehicle for service after the Out-of-Service condition is removed or resolved.
- (b) Initial inspections and periodic inspections shall include an inspection of the following items.
 - (I) Foot brakes: each vehicle shall be equipped with brakes acting on all wheels and capable of operating as designed by the Manufacturer; the brake lining/pad thickness on the steering axle shall not be less than 3/16 of an inch and shall not be less than 1/16 of an inch on the non-steering axle; the thickness of the drums or rotors shall not be less than the limits established by the brake drum or rotor Manufacturer and no evidence of metal to metal contact or rusting on contact surfaces; and shall not have missing or broken calipers, pad retaining components, brake pads, shoes, or linings.
 - (II) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the Manufacturer.
 - (III) Frame or chassis shall not be cracked, loose, sagging, or broken.

- (IV) Steering mechanism: each vehicle shall not have steering wheel lash that exceeds four inches. Universal joints and ball and socket joints shall not be worn, faulty or repaired by welding and all components of the power steering system must be present with no parts missing and belts shall not be frayed, worn or slipping. Telescoping or tilt steering wheels shall lock in a fixed position.
- (V) Suspension shall not be cracked, broken, loose, or have missing parts.
- (VI) Windshield shall be free of discoloration or cracks.
- (VII) Rear window and other glass: vehicle windows to the side and rear of the Driver shall be fully operational if originally manufactured to be so and shall be free from cracks.
- (VIII) Windshield wipers: each vehicle shall be equipped with a wiping system and washer system that are in proper working condition and capable of being controlled by the Driver from within the vehicle.
- (IX) Head lamps: each vehicle must have head lamps that do not have broken or missing lens covers and that have both upper and lower beams; and are in proper working condition.
- (X) Tail lamps: each vehicle must have tail lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XI) Turn indicator lights: each vehicle must have turn indicator lights that do not have broken or missing lens covers and the lamps must be in proper working condition. The vehicle must be equipped with a hazard warning signal unit that is in proper working condition.
- (XII) Stop lamps: each vehicle must have stop lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XIII) Doors: all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original Manufacturer.
- (XIV) Horn: each vehicle must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (XV) Bumpers: each vehicle must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (XVI) Mufflers and exhaust system: each vehicle must be equipped with a securely fastened and properly located muffler and exhaust system capable of expelling and directing harmful combustion fumes as designed by the original Manufacturer. No part of the exhaust system shall leak or be repaired with wrap or patches.
- (XVII) Emission compliance: if the vehicle is registered in a jurisdiction that requires an emission inspection and emission sticker, the vehicle must have the proper emission documentation.
- (XVIII) Speedometer: each vehicle must be equipped with an operating speedometer that is paired with an original equipment Manufacturer approved tire size.

- (XIX) Tires and wheels: no tire shall have any tread or sidewall separation or has a cut to the extent that the ply or belt material is exposed; any tire on the front or rear wheels of a vehicle shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurement shall not be made where the tie bars, humps or fillets are located; and vehicle wheels shall not have cracks or missing spokes, shall be securely attached to the vehicle and not have loose or missing lug nuts.
- (XX) Rear view mirrors and back-up cameras: each vehicle must be equipped with rear view mirrors as designed by the original Manufacturer. If the original Manufacturer has installed a back-up camera, that camera must be operational as designed by the original Manufacturer.
- (XXI) Safety belts: each vehicle designed by the original Manufacturer to carry no more than eight Passengers, must be equipped with no more than eight safety belts as designed by the original Manufacturer, and must be equipped with safety belts for both the Driver and all riding Passengers that are in proper working condition and capable of being operated at all times.
- (XXII) Passenger restraints: any Passenger restraints, including air bags, must be in proper working condition.
- (XXIII) Heating and air conditioning must be in proper working condition.
- (XXIV) A vehicle equipped with restraints, ramps, lifts, or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities has all such devices in good working order including:
 - (A) wheelchair lifts: a lift must be able to lift a minimum of 600 pounds;
 - (B) a lift must also be able to accommodate individuals who use walkers, crutches, canes, braces or who have difficulty using steps. The equipment must also permit onboarding and offboarding of individuals with wheelchairs and other mobility aids. The platform must be equipped with handrails on two sides, which move with the lift to provide support to standees throughout the lift operations, must have lift controls which are interlocked with the vehicle brakes, transmission, door or other devices;
 - (C) a ramp which is less than 30 inches in length must be able to support 300 pounds;
 - (D) a ramp which is 30 inches or longer must be able to support 600 pounds; and
 - (E) the maximum allowable slope of a ramp is:
 - (i) a ratio of 1:4, if the floor height is three inches or less above a six-inch curb;
 - (ii) a ratio of 1:6, if the floor height is between three and six inches above a six-inch curb;
 - (iii) a ratio of 1:8, if the floor height is between six and nine inches above a six-inch curb; and

- (iv) a ratio of 1:12 if the floor height is greater than nine inches above a six-inch curb.
- (XXV) Wheelchair accessible vehicles must have the following:
 - (A) slip resistant surfaces in all areas where individuals walk, including all aisles, steps and floors;
 - (B) a band of contrasting color(s) on each step edge, threshold and the boarding edge of ramps or lift platforms. The contrasting colors must run the full width of the step or edge; and
 - (C) the entrance doors equal to or greater than the following minimum heights:
 - (i) 56 inches for vehicles 22 feet or less in length; or
 - (ii) 68 inches for vehicles greater than 22 feet in length.
- (XXVI) Within the vehicle, signs must designate securement locations and seating locations for persons with disabilities. Stepwells and doorways must have treads that are lit at all times while the vehicle is lit.
- (XXVII) Wheelchair tie down and occupant restraint systems:
 - (A) shall be designed, installed, and operated to accommodate Passengers in a forward facing position;
 - (B) shall be affixed to a vehicle in such a manner that no exit or aisle is blocked in the vehicle;
 - (C) shall be free of sharp or jagged areas and shall be of non-corrosive material or treated to resist corrosion;
 - (D) shall consist of a minimum of four anchor points. Two points shall be located in the front and two in the rear. All anchor points shall be secured to the floor;
 - (E) each wheelchair tie down shall provide a means of slack adjustment and shall not allow more than two inches of movement in any direction during normal driving conditions. They shall be free of any fraying, rust, cuts or inoperable slack adjusters; and
 - (F) all vehicles equipped with attachment point devices shall also be equipped with a durable webbing cutter having a full width hand grip and protected blade. The cutter must be stored in the Driver's compartment within the Driver's reach.

6105. Daily Vehicle Inspection Report (DVIR).

- (a) Every Driver and every Motor Carrier that operates more than one Motor Vehicle, shall require its Drivers to prepare a Daily Vehicle Inspection Report (DVIR), in writing at the completion of each day's work on each Motor Vehicle operated and the report shall cover at least the following parts and accessories:
 - (I) service brakes including trailer brake connections;
 - (II) parking (hand) brake;

- (III) steering mechanism;
 - (IV) lighting devices and reflectors;
 - (V) tires;
 - (VI) horn;
 - (VII) windshield wipers;
 - (VIII) rear vision mirrors;
 - (IX) coupling devices;
 - (X) wheels and rims; and
 - (XI) emergency equipment.
- (b) The Driver, on the DVIR, shall:
- (I) identify the vehicle and list any defect or deficiency discovered by or reported to the Driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
 - (II) if no defect or deficiency is discovered by or reported to the Driver, the report shall so indicate;
 - (III) in all instances, the Driver shall sign the report;
 - (IV) on two-Driver operations, only one Driver needs to sign the DVIR, provided both Drivers agree as to the defects or deficiencies identified; and
 - (V) if a Driver operates more than one vehicle during the day, the Driver shall prepare the DVIR for each vehicle operated.
- (c) Prior to requiring or permitting a Driver to operate a vehicle in a for-hire capacity, every Motor Carrier shall repair any defect or deficiency listed on the DVIR that would be likely to affect the safety of operation of the vehicle.
- (d) The Driver shall review and certify the repairs have been made.
- (e) For every DVIR which identifies any defect or deficiency, every Motor Carrier or its agent shall certify, upon completion of the repair and on the original DVIR, that the defect or deficiency has been repaired or alternatively that repair is unnecessary before the vehicle is operated again.
- (f) Every Motor Carrier shall maintain all original DVIRs, any certification of repairs, and the certification of the Driver's review for three months from the date the DVIR was prepared.
- (g) For all reports required under this rule, Motor Carriers shall use the form provided on the Commission website.

6106. Inspection Process by Enforcement Official.

- (a) Inspection of Drivers and/or Motor Vehicles.

- (I) When a Driver or Motor Vehicle is inspected by an Enforcement Official, the Enforcement Official shall tender a copy of a Driver/Vehicle Compliance Report (DVCR) to the Driver. The Driver receiving a DVCR shall deliver it to the Motor Carrier with the Certificate or Permit under which the Motor Vehicle was operating at the time of the inspection. Delivery of the DVCR shall occur upon the Driver's next arrival at any of the Motor Carrier's terminals or facilities. If the Driver is not scheduled to arrive at a terminal or facility within 24 hours, the Driver shall immediately mail or electronically submit the report to the Motor Carrier.
- (II) Motor Carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the Motor Carrier shall:
 - (A) complete the required repairs;
 - (B) certify all violations have been corrected by appropriately signing and dating the DVCR, completing the following fields:
 - (i) carrier official's signature,
 - (ii) title; and
 - (iii) date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (C) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (D) retain a copy of the DVCR in its records.
- (b) If the Enforcement Official determines that a Motor Vehicle will likely cause an accident or break down due to its mechanical condition, or that an unsafe condition exists that would likely harm the occupants, the Motor Vehicle shall be placed Out-of-Service.
- (c) A Motor Vehicle that would likely cause an accident or a breakdown due to its mechanical condition as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
- (d) A Driver who, by reason of the Driver's lack of qualification, sickness or fatigue, violation of hours of service provisions, or violation of drug or alcohol provisions, would likely cause an accident as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
- (e) A DVCR declaring a Motor Vehicle and/or a Motor Vehicle Driver Out-of-Service shall constitute an Out-of-Service order giving notice to the Driver and the Motor Carrier regarding the Out-of-Service condition.
- (f) No Motor Carrier shall require or permit any Person to operate, nor shall any Person operate, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (g) No Motor Carrier shall require or permit any Person declared or ordered Out-of-Service to operate, nor shall any Person declared or ordered Out-of-Service operate any Motor Vehicle until the Person's Out-of-Service condition has been corrected.

- (h) A Motor Vehicle equipped with ramps, lifts or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities shall be placed Out-of-Service if such devices are not in good working order.
- (i) A Motor Vehicle identified as a Golf Cart, Low-power Scooter, Low-speed Electric Vehicle, or Motorcycle will be subject to all inspection rules applicable to that type of vehicle.
- (j) Motor Carriers and Drivers shall, upon request by an Enforcement Official, make available for inspection all records required to be made by these safety rules and all Motor Vehicles subject to these safety rules.
- (k) The Motor Carrier may reinstate the Motor Vehicle or Driver for service after the Out-of-Service conditions have been removed or resolved. The written certification is required to be provided to the Commission within 15 days.
- (l) A Motor Vehicle that does not qualify under these Part 6 rules may be placed Out-of-Service.

6107. Driver Minimum Qualifications.

- (a) A Motor Carrier shall not permit a Person to act as a Driver unless the Person:
 - (I) is at least 21 years of age;
 - (II) has a valid Driver's license;
 - (III) is medically qualified to drive as required by rule 6109; and
 - (IV) is not disqualified to drive based on the results of the DVCR report required by rule 6106 or the Criminal History Record Check required by rule 6114.
- (b) A Motor Carrier shall require a Driver to maintain on their person or in their Motor Vehicle the following documents in physical or electronic form:
 - (I) a current medical certification card;
 - (II) a valid driver's license;
 - (III) a current vehicle inspection form; and
 - (IV) any waiver granted by the Commission.
- (c) Before permitting an individual to act as a Driver, and at least once every 12 months thereafter, a Motor Carrier shall obtain and review a driving history from the Department of Motor Vehicles for the individual. The Driver Motor Vehicle report shall include, at a minimum, any moving violations in the United States for the three-year period preceding the individual's application.

6108. Driver Qualification File and Records.

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

- (a) A completed Driver's application. A Driver's application must be maintained during the period of service and for three years thereafter. The required Driver's application form is available on the Commission's website.

- (b) The driving history for a Driver, obtained from the Department of Motor Vehicles. Driving history reports shall be maintained for a period of three years from the date the research was conducted.
- (c) The Drivers fingerprint qualification status, if applicable.
- (d) The Driver's state issued driver's license. The driver's license copy shall be maintained during the period of service and for three years thereafter.
- (e) The Driver's current medical certificate. The Driver's most current medical certificate shall be maintained for a period of three years from the date of certification.
- (f) If applicable, any current medical waiver or variances issued to the Driver.
- (g) Hours of service records, including all required supporting documentation, shall be maintained for the most recent six months during the term of service; and such records shall be maintained for six months after the term of service.

6109. Proof of Medical Fitness.

- (a) No Motor Carrier shall permit any Driver to drive who is not medically examined and certified. Drivers of vehicles with a seating capacity of 16 Passengers or more, including the Driver, must be certified pursuant to the requirements of 49 C.F.R. 391.41, as revised on January 1, 2017. Drivers of vehicles with a seating capacity of 15 Passengers or less, including the Driver, may be certified under the provisions of this rule or 49 C.F.R. 391.41, as revised on January 1, 2017.
- (b) All medical examiners issuing Driver medical certification cards must be licensed medical practitioners in accordance with their specific specialty practice act in the Colorado Revised Statutes as a doctor of medicine or osteopathy, a physician assistant, nurse practitioner, or clinical nurse specialist working under the direct supervision of a physician.
- (c) A Person is physically qualified to drive if, upon physical examination, the medical examiner determines that the Person does not exhibit any of the following conditions:
 - (I) defect, loss of limb or impairment which interferes with the ability to perform normal tasks associated with operating a Motor Vehicle;
 - (II) established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (III) current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, and that is likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (IV) established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (V) established medical history or clinical diagnosis of high blood pressure likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (VI) established medical history or clinical diagnosis of rheumatic, arthritic orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and drive a Motor Vehicle safely;

- (VII) established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and drive a Motor Vehicle safely;
 - (VIII) mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a Motor Vehicle safely;
 - (IX) visual disorder or impairment resulting in acuity of worse than 20/40 (Snellen) in each eye without corrective lenses or corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity worse than 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision lower than 70° in the horizontal Meridian in each eye, and color blindness resulting in the lack of an ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
 - (X) use of a controlled substance, which use is prohibited in Colorado unless prescribed by a licensed medical practitioner who is familiar with the Driver's medical history and has advised the Driver that the prescribed substance or drug will not adversely affect the Driver's ability to safely operate a Motor Vehicle; or
 - (XI) a current clinical diagnosis of alcoholism.
- (d) All medical examiners issuing driver medical certifications shall use the medical examination report included in a packet available on the Commission's website. Such driver medical certifications shall include a certification that the medical provider conducted an examination in accordance with these rules, with knowledge of the driving duties, finding the individual is qualified, subject to any express conditions. Such packet shall also include an examination report that identifies the Driver, describes the Driver's medical history, and documents the examination including the doctor's independent judgment based thereupon.
- (e) All medical certification cards shall be valid for not more than two years from the date of issuance.

6110. Hours of Service.

- (a) A Motor Carrier shall neither permit nor require nor shall any Driver be On Duty in violation of the following: a Driver shall not be On Duty (as defined in paragraph 6001(ccc)) or be permitted to be On Duty more than 12 consecutive hours in any 24-hour period. A Driver may go off duty for any period of time during the 12-hour period, but the 12-hour period shall only be restarted after 12 consecutive hours off duty.
- (b) In lieu of the 12 hour rule above, a Motor Carrier, other than a Motor Carrier providing Taxicab Service may, at their option, elect to account for hours of service as follows:
- (I) 15 Hour Rule: At the end of the 15th hour after coming on duty, a Driver shall not drive for-hire and shall be released from duty, for a minimum of eight consecutive hours. Drivers may go off duty for any period of time during the 15-hour period, but the 15-hour period shall only be restarted after eight consecutive hours off duty. A Driver may only be released from duty by a Motor Carrier for a period of eight consecutive hours and not intermittently during the 15 hour period.
 - (II) Ten Hour Rule: After coming on duty and within the 15 hours provided by the 15 hour rule in subparagraph (I) above, a Driver shall not exceed ten hours Driving Time. At the end of the tenth hour, a Driver shall not drive for-hire until he or she has been released from duty by for a minimum of eight consecutive hours.

- (III) 70 Hour Rule: In no instance shall a Driver's On Duty hours exceed 70 hours in any eight consecutive day period. Upon accumulating 70 hours On Duty in any rolling eight consecutive days, a Driver shall not drive and shall be released from duty for a minimum of eight hours. For the purposes of this rule, the total number of hours On Duty for each day within the eight day period shall be determined by adding the daily On Duty totals derived from the 15 hour rule in subparagraph (I) of this rule.
- (IV) This election shall be made at the time the Motor Carrier purchases the Vehicle Stamps and shall remain in effect for the year listed on the stamp.
- (c) A Motor Carrier or Passenger Carrier that employs or retains a Driver shall maintain and retain accurate and true time records, including all supporting documents verifying such time records, for a period of six months showing:
 - (I) the time(s) the Driver reports for duty each day;
 - (II) the time(s) the Driver is released from duty each day;
 - (III) the total number of hours the Driver is On Duty each day; and
 - (IV) a good faith effort to require the Driver to report the total number of On Duty hours the Driver performed with other Persons during the reporting period.
- (d) The requirements of 49 C.F.R. 395.5(a)(2) and (b) and 395.8, apply to all Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 16 or more (including the driver), or GVWR or GCWR of more than 10,000 pounds.
- (e) The requirements of 49 C.F.R. 395.5(a)(2), 395.5(b) and the log book requirements set forth under 395.8 shall not apply to Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 15 or less (including the driver) and GVWR or GCWR or less than 10,001 pounds.

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

- (a) Motor Carriers providing Taxicab Service operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule:
 - (I) shall obtain and Advertise a central telephone number by which the public may call and request service;
 - (II) shall employ a communications system capable of contacting each of its Taxicabs in service. The communications system shall have the ability to "broadcast" to all Motor Vehicles in the fleet at the same time;
 - (III) shall employ a GPS-based, digital dispatch system that tracks and records Driver hours or service, and records and reports trip information including origination point and customer wait times;
 - (IV) shall employ a GPS-based, digital dispatch system that records and reports Driver location and On Duty time. Said system must log a Driver On Duty when the Driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand;

- (V) shall employ a GPS-based digital dispatch system that locks out any Driver who has exceeded On Duty hours of service maximums;
- (VI) shall lockout, for a minimum of eight hours, a Driver who has exceeded On Duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system; and
- (VII) shall log a Driver as being On Duty when the vehicle assigned to said Driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

6112. Vehicle Maintenance File.

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

- (a) a means of identifying the vehicle noting the year, make, model, and vehicle identification number of the vehicle;
- (b) an overall maintenance plan that identifies the nature and due dates of the various inspection and maintenance operations to be performed;
- (c) a record of work done, including all receipts;
- (d) all required periodic vehicle inspections;
- (e) if applicable, any current vehicle waiver or variances; and
- (f) the Daily Vehicle Inspection Reports for the immediately preceding 30 days.

6113. Accident Registry.

- (a) For the purposes of this rule an accident is defined as an occurrence involving a Motor Vehicle which results in any of the following:
 - (I) bodily injury to any Person; or
 - (II) \$5,000 of damage to any property or vehicle.
- (b) A Motor Carrier shall maintain a registry of accidents, for a period of three years after the accident occurs. The register must contain the date of the accident, city and state where accident occurred, the Driver's name, number of injuries and fatalities, and any police report number associated with the accident.
- (c) All accident reports required by state or local governmental entities or insurers must be maintained with the accident register.
- (d) No later than 30 days after an accident meeting the criteria stated above, a Motor Carrier must report the accident, including the above information, to the Commission.

6114. Fingerprint-Based Criminal History Record Checks.

- (a) For purposes of this rule only:
 - (I) "Criminal History Record Check" means a state and national fingerprint-based Criminal History Record Check..

- (II) "Driver" means a Person who drives or wants to drive for a Passenger Carrier, regardless of whether such Person drives or wants to drive as an employee or Independent Contractor.
 - (III) "Passenger Carrier" means a Taxicab Carrier, a Large Market Taxicab Service carrier, and a Limited Regulation Carrier, except for Fire Crew Transport
- (b) This rule applies to Passenger Carriers and Drivers.
 - (c) Within ten days of contracting or being employed to drive for a Passenger Carrier, a Driver who is not qualified by the Commission at the time of hire shall submit a set of the Driver's fingerprints, documentation of any name change of the Driver from the agency where the change was approved, and payment of the actual cost to conduct a Criminal History Record Check. The Passenger Carrier shall provide to the Driver a copy of the Commission's Notice to Driver Applicants which informs the Driver that his or her fingerprints will be submitted to the CBI and FBI. This notice shall be provided to the Driver prior to the submission of fingerprints.
 - (d) A Driver shall, within five years after being qualified by the Commission and at least once every five years thereafter, re-submit: a set of the Driver's fingerprints; documentation of any name change of the Driver from the agency where the change was approved; and payment of the actual cost to conduct a Criminal History Record Check.
 - (e) The Driver shall submit his or her fingerprints to the CBI according to its procedures.
 - (f) Qualification determination based upon moral character or statutory disqualification.
 - (I) Upon the Commission's receipt of a completed Criminal History Record Check, Commission staff shall make a qualification determination regarding the Driver's qualification status. In making this determination, Commission staff is authorized to request from the Driver, and the Driver shall provide, additional information that will assist Commission staff in making the determination regarding the Driver's qualification status. If a Driver does not provide such additional information requested by Commission staff, or explain why it is unavailable within 15 days of the request, Commission staff may disqualify the Driver.
 - (II) A Driver is not of good moral character and shall be disqualified and prohibited from driving, if the Driver has:
 - (A) a conviction in the state of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;
 - (B) a conviction in the state of Colorado, within the ten years preceding the date the Criminal History Record Check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
 - (C) a conviction in the state of Colorado, within the eight years preceding the date the Criminal History Record Check is completed, of any class 3 felony under Title 18, C.R.S.;
 - (D) a conviction in the state of Colorado, within the four years preceding the date the Criminal History Record Check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or

- (E) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (D) within the same time periods as listed in subparagraphs (A) through (D).
- (III) Without a determination as to moral character at the time of determination, a Driver is disqualified by statute and prohibited from driving if the Driver has been:
 - (A) convicted in the state of Colorado at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
 - (B) within the two years preceding the date the Criminal History Record Check is completed, convicted in this state of driving under the influence (DUI), as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content (DUI per se), as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or
 - (C) within the two years preceding the date the Criminal History Record Check is completed, convicted of an offense comparable to those included in subparagraph (III)(B) in any other state or in the United States.
- (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting Criminal History Record Checks. The Commission may require a name-based Criminal History Record Check of a Driver who has twice submitted to a fingerprint-based Criminal History Record Check and whose fingerprints are unreadable or unclassifiable.
- (h) At any time, Commission staff shall disqualify a previously qualified Driver whose subsequent conviction meets the criteria of this rule.
- (i) A Passenger Carrier shall not permit a Driver to drive for the Passenger Carrier if:
 - (I) the Driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable;
 - (II) the Driver is disqualified and prohibited from driving under paragraph (f) of this rule; or
 - (III) the Driver's qualification status has expired.
- (j) A Passenger Carrier shall, as a condition of continued contract or employment, require a Driver to submit his or her fingerprints to the Commission for a Criminal History Record Check:
 - (I) at least once every five years; and/or
 - (II) within ten days of becoming aware that the Driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (k) The Commission will maintain a password-protected portion of its website where Drivers, Passenger Carriers, and other Persons authorized, in writing, by the Director of the Commission may access the current qualification status of Drivers.

- (I) If the Driver is disqualified and prohibited from driving, the Driver may, within 60 days of Commission staff's notification, file a petition with the Commission for qualification determination.
- (II) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (A) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(II), the Driver shall bear the burden of proving that he is of good moral character based upon all surrounding facts and circumstances or that disqualification is not supported by fact or law.
 - (B) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(III), the Driver shall bear the burden of proving that disqualification is not supported by fact or law.
 - (C) If a Driver is disqualified pursuant to paragraph (h), the Commission staff shall bear the burden of proving all applicable elements.
 - (D) The Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S. for disqualifications based on a determination of moral character.
- (I) Commission staff's qualification determination may be relied upon by all Persons, unless and until the Commission rules on a Driver's qualification.
- (m) If the Commission qualifies a Driver upon petition, paragraph (f) shall be waived as to qualification determinations for future fingerprint resubmissions regarding the events upon which Commission staff's disqualification was based.

6115. Motor Vehicle Weight.

An Enforcement Official may require a Motor Carrier to have a Motor Vehicle inspected or weighed, if such Motor Vehicle's structural components, suspension components, wheels, tires, or loading may, in the Enforcement Official's judgment, create potentially unsafe operations or if the GVWR can't be determined or if there is a belief that the GVWR is incorrect.

6116. Prohibitions.

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

- (e) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver has consumed alcohol within four hours of driving or is under the influence of alcohol while driving.
- (f) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive while engaged in texting while operating a Motor Vehicle.

6117. 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(kkk) 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.

6118. – 6199. [Reserved].

FULLY REGULATED INTRASTATE CARRIER RULES

6200. Applicability.

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

6201. Definitions.

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

- (a) "Access Fee" means the fee assessed by an airport for the use of its facilities for one trip levied upon Motor Carriers transporting Passengers to, from, or at an airport.
- (b) "Auto Livery" or "Auto Livery Service" means the transportation of Passengers by Common Carrier, including the transportation of Passengers in Scheduled and/or Call-and-Demand service. This term is only used in historical Authorities.
- (c) "Base Area" means a geographic area in which a Taxicab is authorized to provide point-to-point service. This term is defined only because of its use in Authorities issued by the Commission.
- (d) "Capable," as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the Common Carrier's Authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such Authority.
- (e) "Close Proximity", as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.
- (f) "Special Bus Service," "Special Bus Transportation," or "Special Bus", only used in historical authorities, means the transportation of Passengers by Common Carrier:
 - (I) not including ordinary and continuous Scheduled Service;
 - (II) rendered generally on weekends, holidays, or other special occasions;
 - (III) with a fixed termination date; and
 - (IV) to a number of Passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, or for a trip or tour planned by the carrier.
- (g) "Tack" means the joinder of two or more separate Authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.
- (h) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an Encumbrance, execution in satisfaction of any judgment or claim, merger, consolidation, or similar transaction in which control of any Authority or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.
- (i) "Transferee" means any entity newly acquiring control of any Authority or obtaining a security interest in the Authority.
- (j) "Transferor" means any entity transferring control of any Authority to a Transferee.

6202. Prohibited Operations.

- (a) No Person shall operate or offer to operate as a Common Carrier or a Contract Carrier, without obtaining the appropriate Certificate or Permit and paying the application fee and or the annual Motor Vehicle identification fees as set forth in rule 6102.
- (b) Without specific approval by the Commission, no Fully Regulated Intrastate Carrier shall:
 - (I) combine or Tack two or more separate Authorities or two or more separate parts of an Authority in order to render a transportation service not authorized by any individual Authority or part thereof;

- (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its Authority;
- (III) serve any point not included in its Authority or authorized by statute;
- (IV) abandon or suspend operations under its Authority; or
- (V) file a Tariff or time Schedule whose applicability or scope violates this rule.

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

- (a) Any Person seeking permanent Authority to operate as a Common or Contract Carrier, or permanent Authority to extend a Common Carrier Certificate or Contract Carrier Permit, shall file an application. The application shall contain the following information:
 - (I) the name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant;
 - (II) the name, mailing address, telephone number, and email address of the applicant's representative to whom the Commission may direct inquiries regarding the application;
 - (III) the name and address of the applicant's Colorado designated agent for service of process, as required by rule 6006;
 - (IV) a statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.);
 - (V) if the applicant is a corporation: the name of the state in which it is incorporated; the mailing address and physical address of its principal office; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;
 - (VI) if the applicant is a limited liability company: the name of the state in which it is organized; the mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application;
 - (VII) if the applicant is a partnership: the names, titles, and addresses of all general and limited partners;
 - (VIII) the applicant's certificate of assumed trade name or trade name registration, if applicable;
 - (IX) a complete description of the Authority sought, which shall indicate:
 - (A) whether the applicant proposes to operate as a Common or Contract Carrier;
 - (B) the proposed Type of Service (e.g., Charter, Shuttle, Sightseeing, Taxicab, or Scheduled, but not limousine, auto livery or special bus), if the applicant proposes to operate as a Common Carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the Authority sought; and

- (E) a description of the make, model, and year of the Motor Vehicles proposed to be operated, or if unknown, then a summary of the number and types of Motor Vehicles proposed to be operated.
- (X) a map or diagram showing the proposed geographic service area, or the proposed points or routes of service, in the form requested by the Commission or Commission staff;
- (XI) a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations, including but not limited to its ability to meet the requirements of rule 6111 (requiring, inter alia, a GPS based digital system that records the hours of service), and rule 6254 requiring 24 hour provision of service, if the applicant proposes to serve a geographical area covered by those rules. If the applicant is not currently able to meet the requirements of rule 6111 and/or 6254, the applicant must provide the reason and must state the period of time needed to come into compliance which shall not be longer than 120 days;
- (XII) a statement describing the extent to which the applicant, or any Person affiliated with the applicant, holds or is applying for Duplicating or Overlapping Authority in any respect the Authority at issue in the application;
- (XIII) a statement identifying current Authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of Passengers in the state of Colorado;
- (XIV) a statement that the applicant understands the Commission will, in its discretion, cancel any Duplicating or Overlapping Authorities created by granting the application;
- (XV) a statement indicating the town or city where the applicant prefers any hearing to be held; and
- (XVI) a statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and belief.
- (XVII) If the applicant applies for Common Carrier Authority, the applicant shall demonstrate a public need for the proposed service and that the authority is in the public interest and should be granted. Any letter of support filed to demonstrate a public need shall:
 - (A) contain the author's name, address, and telephone number;
 - (B) describe the public need;
 - (C) describe whether and how the existing service is inadequate;
 - (D) contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and
 - (E) be signed by the author.
- (XVIII) If the applicant seeks Contract Carrier Authority, the applicant shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs. The applicant shall also attach a letter from each proposed customer. Such letters shall:
 - (A) contain the proposed customer's name, address, and telephone number;

- (B) indicate the proposed customer's special or distinctive transportation needs;
 - (C) specifically support the applicant's particular request for authority;
 - (D) describe whether there is existing service and how the existing service is inadequate;
 - (E) contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and
 - (F) be signed by the proposed customer.
- (XIX) A statement that the applicant understands that there is an obligation to comply with all applicable Commission rules, and that the vehicles which it plans to use to provide the service are compliant with those rules.
- (b) No Person shall file an application under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier, or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a Certificate or Permit under such name.
- (c) In lieu of filing an application as set forth above, the applicant may use the application form approved by the Commission and posted to its website.
- 6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.**
- (a) A Person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows:
- (I) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service Capable of meeting the need;
 - (II) any letters of support shall contain an explanation of the immediate and urgent need for the proposed service; whether there is any other transportation service available; if such service is available, a detailed description of the author's efforts to use it and whether it is Capable of meeting the author's needs, and the extent to which available transportation services have refused to provide service;
 - (III) a statement indicating whether the Commission has previously granted to the applicant Authority to render all or any part of the proposed service and the decision number granting the Authority;
 - (IV) a statement of the period of time which the applicant requests the temporary Authority to cover, not to exceed 180 days; and
 - (V) if the application is a request to operate as a Contract Carrier, a support letter from each proposed customer including:
 - (A) the proposed customer's name, address, and telephone number;
 - (B) the proposed customer's special or distinctive transportation needs;

- (C) support for the applicant's particular request for authority;
 - (D) description of whether there is an existing service and, if so, how the service is inadequate; and
 - (E) the signature of the proposed customer attesting to the validity of the information in the support letter.
- (b) A Person may seek emergency temporary Authority to operate as a Common or Contract Carrier for a period not to exceed 30 days and shall file an application with the Commission providing the information in paragraph (a) of this rule. The application shall also include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Any letters of support shall describe the basis and nature of the emergency.
- (c) The granting of temporary or emergency temporary Authority creates no presumption that permanent Authority will be granted.
- (d) The Commission shall not grant temporary Authority to provide the same service, including both temporary Authority and emergency temporary Authority for a total period greater than 180 days.
- (e) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6205. Applications to Voluntarily Abandon or Suspend Authority.

- (a) A Fully Regulated Intrastate Carrier shall file an application to voluntarily abandon or suspend its Authority, or any portion thereof. After ten days' notice, the Commission may either decide such an application without a hearing or set it for hearing. Carrier obligations are not affected by the filing of an application; rather they will be determined by Commission decision. The application shall:
 - (I) fully describe why the abandonment or suspension is sought;
 - (II) describe how the abandonment or suspension will affect the public;
 - (III) contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and
 - (IV) be signed by the applicant.
- (b) A Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
 - (I) 12 consecutive months;
 - (II) 12 months in any 24-month period; or
 - (III) two consecutive seasons, for a Fully Regulated Intrastate Carrier operating seasonally.
- (c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.
- (d) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

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

- (a) No Fully Regulated Intrastate Carrier shall by any means, directly or indirectly, encumber, Transfer any right or interest in any portion of said Fully Regulated Intrastate Carrier's Authorities, or the entity that is the owner of the Authorities, except as specifically provided by Commission order, this rule 6206, or § 40-10.1-205, C.R.S.
- (b) The Transferor and the Transferee shall file a joint application with the Commission not less than 60 days prior to the effective date of the proposed Transfer or Encumbrance. If the Transferee does not hold a Commission issued CPCN, the Transferee shall provide the Commission with the information required pursuant to rule 6203, and must receive an appropriate Commission grant of authority to assume the Transferor's CPCN.
- (c) The application shall include:
 - (I) the information required by subparagraph 6203(a)(I) through (VIII) and (XI) through (XIX), as applicable;
 - (II) a description of the transaction including the amount of consideration paid or to be paid and the terms of payment;
 - (III) name under which the Transferee is, or will be, providing service in Colorado if the Transfer is approved and information establishing the operational and financial fitness of the Transferee to conduct the operations of the Authority;
 - (IV) the specific assets, including any Authority (including copies of the Authorities) that the applicants propose to Transfer;
 - (V) all agreements concerning the transaction including but not limited to: purchase and sale agreement, lease agreements, operating agreement, Encumbrances, security interests, stock agreements, repurchase agreements, promissory notes and/or operating agreements;
 - (VI) an acknowledgment that by signing the application, the joint applicants represent the truth and accuracy of all statements in the application and supporting documents and understand and agree that:
 - (A) the filing of the application does not, by itself, constitute authority to execute the transfer;
 - (B) the applicants shall not undertake the proposed Transfer unless and until a Commission decision granting the application is issued;
 - (C) the granting of the application does not constitute the execution of the Transfer, but only represents the Commission's approval of the request for authority to Transfer or encumber;
 - (D) if a Transfer is granted, such Transfer is conditional upon:
 - (i) the existence of applicable, effective Tariffs for relevant services;
 - (ii) compliance with the statutes and all applicable Commission rules, including the Transferor's filing an Annual Report, complying with the rule on financial responsibility, updating the vehicle registry, and obtaining the periodic inspections of all vehicles and

- (iii) compliance with all conditions established by Commission order; and
- (E) if the application to Transfer is granted, the joint applicants shall notify the Commission if the Transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed Transfer terms are changed prior to the consummation date. This notice shall include the proceeding and decision number(s) which granted the authority to execute the Transfer.
- (d) The joint applicants may submit the required information by filing either an application or completing the Commission approved form on the website of the Commission.
- (e) The joint applicants may seek confidential or highly confidential treatment of information as provided in rule 1101 of the Commission's Rules of Practice and Procedure.

6207. Duplicating or Overlapping Authorities.

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

6208. Tariffs.

- (a) A Fully Regulated Intrastate Carrier shall not operate its Motor Vehicles without having approved Tariffs on file with the Commission.
- (b) A Fully Regulated Intrastate Carrier shall not operate in conflict with its approved Tariff or disseminate information contrary to that which is contained in its approved Tariff.
- (c) A Fully Regulated Intrastate Carrier shall keep on file with the Commission, at all times, approved Tariffs clearly showing rates and charges to be assessed for all transportation and accessorial services provided. The Tariff must also disclose all rules and conditions, and time Schedules, as applicable, relating to rates or service, shall be available for public inspection, at all reasonable times, in its office and posted on the website, if the carrier maintains a website.
- (d) Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, or as otherwise ordered by the Commission.
- (e) A Common Carrier that is authorized to provide Taxicab Service shall publish, in its Tariffs, reduced fares applicable to each Passenger being transported under a Multiple Loading arrangement.
- (f) A Contract Carrier shall ensure that its Tariff, at a minimum:
 - (I) includes the names of the parties to the contract, the provisions regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates. A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract;
 - (II) provides for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the Authority granted by the Commission; and
 - (III) prohibits payment from individual Passengers.

- (g) Notice. Within seven days of receipt of an Advice Letter and Tariff filing, the Commission will provide notice of the filing to affected parties by posting the filing in its E-Filings System.
- (h) Protests. Any Person affected by a Tariff change proposed under this rule may submit a written protest to the proposed change. Any protest must be filed sufficiently in advance of the effective date to permit Commission consideration before the Tariff becomes effective, generally at least ten days before the effective date of the proposed Tariff.
- (i) Any Person seeking to protest any portion of a rate, fare, classification or service not altered by the Motor Carrier in its proposed changes to an existing Tariff, shall bear the burden of proof as it pertains to why such rate, fare, classification or service is not just and reasonable.
- (j) A Fully Regulated Intrastate Carrier shall file additional supporting documentation upon the request of Commission staff. The documentation shall include an explanation of the circumstances and data relied upon to justify the proposed Tariff.

6209. Time Schedules.

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

6210. Contract Carrier Contracts.

- (a) A Contract Carrier shall not enter into a contract for transportation that is in conflict with the Contract Carrier's Permit or with any Person not named in the Contract Carrier's Permit.

- (b) A Contract Carrier shall not engage in any act of transportation for Compensation except in compliance with the contract between the Contract Carrier and the Person named in the Contract Carrier's Permit.
- (c) Contracts shall be written, not oral.
- (d) At a minimum, all contracts shall specify the following:
 - (I) the names of the parties to the contract;
 - (II) the provisions regarding the scope and terms of transportation and accessorial services to be provided; and
 - (III) the date(s) and terms of the contract, including rates.
- (e) Contracts shall provide for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the authority granted by the Commission. In no circumstances shall a Contract Carrier receive payment for providing contract services from individual Passengers.

6211. Refusal of Service.

No Fully Regulated Intrastate Carrier or Driver may refuse to transport any Passenger unless: the Passenger is acting in an unlawful, disorderly, or endangering manner; there is a previous commitment of the equipment; or the Passenger is unable to care for himself or herself, if not in the charge of a responsible companion or attendant. Except where there is a previous commitment of the equipment, a Driver shall immediately report to the carrier any refusal to transport a Passenger.

6212. Annual Reports.

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

6213. Forms of Payment.

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

6214. – 6249. [Reserved].

MOTOR CARRIERS PROVIDING TAXICAB SERVICE RULES

6250. Applicability of Taxicab Carrier Rules.

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

6251. Notices.

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

NOTICE

Cab No. _____

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

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

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

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

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

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

6252. Service: Multiple Loading and Routing.

- (a) Multiple loading.
 - (I) No Taxicab Carrier, Large Market Taxicab Service carrier, or Taxicab Driver shall engage in Multiple Loading from a common point of origin or from separate locations unless the first Passenger agrees to the Multiple Load.
 - (II) Each Passenger shall pay a reduced fare and the Taxicab Driver shall advise each passenger that the charge from his/her origin to destination will be reduced. The amount by which the fare is to be reduced shall be a percentage of the original fare. The percentage decrease shall be named in the Taxicab Carrier's Tariff or the Large Market Taxicab Service carrier's schedule of rates.
- (b) Motor Carriers providing Taxicab Service shall ensure that Passenger transportation shall be by the shortest possible route between the origin and destination; provided, however, that a Passenger may agree to an alternate route or designate the route he or she wishes to travel, if the Motor Carrier providing Taxicab Service has first advised the Passenger regarding the extent of deviation from the shortest possible route.

6253. Record Keeping.

- (a) In addition to other requirements to maintain accurate records, a Motor Carrier providing Taxicab Service shall maintain in its files, either electronically or in hard copy, for a minimum of one year from the date a customer requested service, the following data for each trip:

- (I) the Taxicab number;
 - (II) the Driver's name;
 - (III) the date and time of the customer's request for service;
 - (IV) the address, date, and time of the customer's pickup; and
 - (V) the address of the customer's destination.
- (b) If Multiple Loading is applicable for a given trip, then the data shall reflect the requirements of this rule for each party involved in the Multiple Loading trip.

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

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

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

Motor Carriers providing Taxicab Service authorized to provide service to or from any portion of the zones listed in this rule shall be subject to all the provisions of this rule and rule 6208.

- (a) The zones established in this rule include the following:
- (I) Zone A (Downtown Denver): Beginning at the intersection of 11th Avenue and Clarkson Street; the west on 11th Avenue to its intersection with Speer Boulevard; then north on Speer Boulevard to its intersection with 13th Avenue; then west on 13th Avenue to its intersection with Interstate 25; then north on Interstate 25 to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Delgany Street; then north on Delgany Street to its intersection with Denargo Street; then north on Denargo Street to its intersection with Arkins Court; then northeast on Arkins Court to its intersection with 38th Avenue; then southeast on 38th Avenue to its intersection with Marion Street; then south on Marion Street to its intersection with Lawrence Street; then southwest on Lawrence Street to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Clarkson Street; then south on Clarkson Street to the point of beginning.
 - (II) Zone B (Denver Technological Center): Beginning at the intersection of Dayton Street and Arapahoe Road, then north on Dayton Street to Bellevue Avenue, then west on Bellevue Avenue to Yosemite Street, then north on Yosemite Street to Quincy Avenue, then west on Quincy Avenue to Monaco Street, then south on Monaco Street to Bellevue Avenue, then east on Bellevue Avenue to Quebec Street, then south on Quebec Street to Arapahoe Road, then east on Arapahoe Road to the point of beginning.
 - (III) Zone C (Boulder): Beginning at the intersection of Jay Road and U.S. Highway 36, then northwest on U.S. Highway 36 to Lee Hill Drive, then west on Lee Hill Drive for one mile, then south on an imaginary line for seven miles, then east on an imaginary line to Cherryvale Road, then north on Cherryvale Road as extended to Jay Road, then west on Jay Road to the point of the beginning.

- (IV) Zone D (Tower Road): Beginning at the intersection of 56th Avenue and Genoa Street, then north on Genoa Street as extended to 72nd Avenue, then west for one mile along 72nd Avenue, then south along an imaginary line to 56th Avenue, then east along 56th Avenue to the point of the beginning.
- (b) Taxicab Drivers shall inform Passengers of the total charge prior to commencing the trip.
- (c) The maximum rate for Taxicab Service between the following defined zones and DIA shall be no more than:
 - (I) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.
 - (II) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (III) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (IV) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.
 - (V) In addition to the above maximum rates, the Taxicab Carrier may charge Access Fees as established by DIA for the use of its facilities for one trip levied upon the Taxicab.
 - (VI) A drop fee of no more than \$5.00 may be charged for each additional drop within the above zones required by members of one traveling party.
- (d) Flat Rates within Zone A. The Maximum Rate within Zone A shall be no more than \$8.00, plus an additional \$3.00 drop off fee for each additional stop.
- (e) Additional requirements with Multiple Loading. The Taxicab Driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for Taxicab Service provided under subparagraphs (I), (II), or (III) of this paragraph.
 - (I) If the first party is dropped at a point within a defined zone and additional parties are dropped at different points in the same zone, the total charge (not a per party charge) shall be the appropriate zone rate, plus any applicable airport Access Fee, plus a \$5.00 charge for each additional drop within the zone.
 - (II) If the first party is dropped at a point within a defined zone and the second party is dropped at a point outside of any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport Access Fees. The charge for the second party shall be the Meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport Access Fees.
 - (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

6256. Motor Carriers Providing Taxicab Service License Plates.

- (a) Motor Vehicles used in the provision of Taxicab Service require a Taxicab license plate.

- (b) A Person providing Taxicab Service under Article 10.1 of Title 40, C.R.S. shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the Taxicab license plates on the vehicles used in providing the services.
- (c) A Person providing Taxicab Service under an active Certificate or Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a Taxicab license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a Taxicab license plate unless the vehicle to which the license plates are attached is required to bear Taxicab license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6257. Conversion to a Transportation Network Company.

A Motor Carrier authorized through the granting of a Certificate of Public Convenience and Necessity, to provide Taxicab or Shuttle Service may convert that Authority to a Transportation Network Company (TNC) by filing an application to voluntarily abandon or suspend all or part of its Authority pursuant to rule 6205 and simultaneously filing an application for a Permit to operate as a TNC pursuant to rule 6702. During the period of suspension, the suspended portion of the Authority authorizing Taxicab or Shuttle Service is exempt from Taxicab and Shuttle Service standards concerning the regulation of rates and charges pursuant to the requirements of rule 6208. Further, the Motor Carrier may pro-rate the application fee of \$111,250 over 12 months, paying 1/12th per month. If the Motor Carrier at any time elects not to proceed with the conversion, the Motor Carrier shall not owe the remaining amount of the prorated fee. If the Motor Carrier elects not to proceed with the conversion, the Motor Carrier is not entitled to the return of any amounts paid or any forgiveness for amounts already paid. This pro-rating of the fee is only applicable in the first year of the transition.

6258. - 6299. [Reserved].

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

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

6301. Definitions.

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

- (a) "Charter Bus" means a Limited Regulation Carrier that provides transportation in a Motor Vehicle with a Seating Capacity of 33 or more, including the Driver, and provides service for a Person or group of affiliated Persons traveling for a common purpose, for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the Motor Vehicle, including selection of the origin, destination, route and intermediate stops. A Charter Bus does not provide service on a regular route or Schedule.

- (b) "Charter Basis" means on the basis of a contract for transportation whereby a Person agrees to provide exclusive use of a Motor Vehicle to a single chartering party for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the vehicle, including selection of the origin, destination, route, and intermediate stops.
- (c) "Charter Order" means a paper or electronic document that memorializes the contract for Luxury Limousine or Off-Road Scenic Charter or Charter Bus service for a specific period of time reasonably calculated to fulfill the purpose of the contract. The Charter Order shall state the charge, the charge method, the name and telephone number of the parties to the contract, the pickup time and pick up address, and the type of Motor Vehicle that will be used. The Charter Order shall be maintained for at least one year following the provision of service and shall be provided to the parties to the contract and shall be available to the Commission upon request.
- (d) "Children's Activity Bus" means a Limited Regulation Carrier that transports groups of eight or more children, 18 years of age or younger and their chaperones for trips that are sponsored by non-profit organization, and/ or transport children to and from school, school related activities, or school sanctioned activities that such transportation is not provided by the school or school district contractors to the school or school district. (§ 40-10.1-301(4), C.R.S.)
- (e) "Luxury Limousine Service" is a luxurious, specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality and ease of use that is not usually available from Common Carriers. The services provided are on a Prearranged Charter Basis memorialized in a contract prior to the provision of service.
- (f) "Off-Road Scenic Charter" means a Limited Regulation Carrier that transports Passengers, on a Charter Basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads as that term is defined in § 40-10.1-301(12), C.R.S.
- (g) "Prearranged" or "Prearrangement" means that the Charter Order is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the Luxury Limousine at the point of departure.
- (h) "Trip Ticket" means a document, electronic or paper, that contains the information that the Driver needs to fulfill the Prearranged service, such as customer or Passenger contact information, pickup and drop off time and location.

6302. Application and Permit.

- (a) No Person shall operate or offer to operate as a Limited Regulation Carrier, without obtaining the appropriate Permit by filing the appropriate application using a Commission approved form, available on its website. Each application requires supporting information which must be submitted with the application at the time of filing.
- (b) No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier shall not have taxi in its name.) If an application is filed in violation of this rule, the Commission shall not issue a Permit under such name.
- (c) The Motor Carrier must maintain the original or copy of its Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (d) In addition to completing and filing the Commission approved application form, a Motor Carrier shall:

- (I) file the required proof of financial responsibility; and
 - (II) pay the required annual Vehicle Stamp fees, as set forth in rule 6102 or, if applicable, shall be in compliance with the UCR Agreement.
- (e) Applications for new Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 20 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 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.

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

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

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

6304. Livery License Plates.

- (a) Motor Vehicles used in the provision of Luxury Limousine Service require a livery license plate.
- (b) A Person providing Luxury Limousine Service under Article 10.1 of Title 40, C.R.S., shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the livery license plates on the vehicles used in providing the services.
- (c) A Person providing Luxury Limousine Service under an active Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a livery license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a livery license plate unless the vehicle to which the license plates are attached is required to bear livery license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6305. Luxury Limousine.

- (a) A "Luxury Limousine" means one of the following vehicles:
- (I) stretched limousine, which is a Motor Vehicle whose wheelbase has been lengthened beyond the original Manufacturer's specifications;
 - (II) executive car, which is a Motor Vehicle that has four doors and is:
 - (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Land Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or
 - (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer;
 - (III) executive van, which is a Motor Vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original Manufacturer);
 - (IV) luxury 4 wheel drive, which is a Motor Vehicle that is a 4 wheel drive crew-cab pickup manufactured by Chevrolet, Ford, GMC, Nissan, Ram, or Toyota in the Limited, Platinum, or equivalent class;
 - (V) collector's vehicle, which is defined in Title 42, C.R.S., as either a luxurious classic or antique vehicle, eligible for a collector's license plate. It is not a stretched limousine. Vehicles qualifying under this paragraph (V) must have a current appraised retail value of at least \$15,000. A certified appraisal is required to prove the value of the vehicle; 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.

6306. Luxury Limousines – Operational Requirements, Prearrangement Required.

- (a) No Person shall provide Luxury Limousine Service or a service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis.
- (b) The fact that the drop off time is amended in a Charter Order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a Prearranged Charter Basis. All requirements of a Charter Order apply equally to the amended Charter Order.
- (c) Although a Charter Order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.

- (d) Without affecting any other requirement of these rules, a Luxury Limousine Carrier shall, at all times when providing Luxury Limousine Service, carry in each vehicle a Charter Order or Trip Ticket. However, the total charge for the specific period of time may be omitted or stricken from the copy of the Charter Order or Trip Ticket carried in each vehicle.
- (e) A Luxury Limousine Carrier shall not station a Luxury Limousine within one hundred feet of a recognized Taxicab stand, a designated Passenger pickup point at an airport, a hotel, or a motel without the completed Charter Order in the vehicle. A Luxury Limousine Carrier shall not station a Luxury Limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the Charter Order.
- (f) A Luxury Limousine Carrier shall provide the Charter Order or Trip Ticket immediately upon request by any Enforcement Official or Airport Official.
- (g) Prior to the provision of service, a Luxury Limousine Carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the Charter Order.

6307. Luxury Limousine Service – Presumptions.

- (a) A Person shall be presumed to have provided Luxury Limousine Service in violation of paragraph 6306(a) if, without Prearrangement, such Person:
 - (I) accepts payment for the transportation of the chartering party at the point of departure;
 - (II) makes the Luxury Limousine available to the chartering party at the point of departure;
 - (III) negotiates the immediate availability of, or the price for immediate use of, the Luxury Limousine at or near the point of departure;
 - (IV) loads the chartering party or its baggage into the Luxury Limousine; or
 - (V) transports the chartering party in the Luxury Limousine.
- (b) A Luxury Limousine Carrier that charges or offers to charge for transportation services on a per Person basis shall be presumed to be providing or offering to provide services as a Common Carrier.
- (c) A Luxury Limousine Carrier may rebut the presumptions created in this rule by competent evidence.

6308. – 6399. [Reserved].

UNIFIED CARRIER REGISTRATION AGREEMENT RULES

6400. Applicability of Unified Carrier Registration Agreement Rules.

Rules 6400 through 6499 apply to all persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carriers, freight forwarders, brokers, leasing companies, or other persons.

6401. Definitions.

In addition to the definitions in rule 6001, the following definitions apply to persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a:

- (a) "UCR Agreement" means the Unified Carrier Registration (UCR) Agreement authorized by section 4305 of the federal "Unified Carrier Registration Act of 2005," and found in 49 U.S.C. § 14504a.
- (b) "UCR registrant" means a motor carrier, motor private carrier, freight forwarder, broker, leasing company, or other person required to register under the UCR Agreement.

6402. Unified Carrier Registration Agreement.

- (a) A UCR registrant that designates or that is required to designate the state of Colorado as its base state under the UCR Agreement, shall not operate without registering for the applicable registration year. Each calendar year is a different registration year.
- (b) A UCR registrant shall register using the on-line registration system available at a website designated by the Commission. In lieu of registering on-line, a UCR registrant may register by submitting to the Commission a fully completed UCR Agreement registration form, the required fees, and any other required documents.
- (c) A UCR registrant must register in the proper category pursuant to the rules established under 49 U.S.C. § 14504a.
- (d) Information regarding the federally set fees is available from the Commission.
- (e) If a person has registered under Chapter 139 of Title 49, U.S.C., to operate in interstate commerce, there shall be a rebuttable presumption that the person is required to register under the UCR Agreement.

6403. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates § 40-10.5-102(1)(a), C.R.S., or paragraph 6402(a) with regard to operating without a registration, may be assessed a civil penalty of up to \$1,100.00 for each violation.
- (b) A person who violates paragraph 6402(c) by registering in a lower category than is proper, may be assessed a civil penalty of up to \$400.00 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of § 40-10.5-102, C.R.S., or any provision of the Unified Carrier Registration agreement rules may be assessed a civil penalty of up to \$275.00 for each violation.
- (d) Civil penalty assessments are in addition to any other penalties provided by law.

6404. - 6499. [Reserved].

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit and employees of towing carriers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement between a towing carrier and a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations within their jurisdiction with regard to rules 6506; 6507(a), (c), (e), and (f); 6508; 6509; 6510; and 6512(a), (b), (e), (f), and (g).
- (c) A written agreement between a towing carrier and a property owner to perform a nonconsensual tow may set rates for the tow less than, but not higher than, the rates established in paragraphs 6511(a), (b), (c), (d), (e), and (f). In the event rates are not set through a written agreement, the Commission's rules will prevail and rates shall default to those established in these rules. For purposes of this rule, a written agreement setting rates for the tow does not include a tow authorization by a law enforcement officer given to a towing carrier with whom the law enforcement officer's agency does not itself have a written agreement.

6501. Definitions.

In addition to the general definitions in rule 6001, the following definitions apply to all towing carriers and to all Commission proceedings and operations concerning towing carriers, applicants for a towing carrier permit, employees of towing carriers, and tow truck drivers.

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by § 42-4-1802(1), C.R.S., for motor vehicles left unattended on public property, and § 42-4-2102(1), C.R.S., for motor vehicles left unattended on private property.
- (b) "Address" means the particulars of the physical location of a business or residence including the street name, number, city, state, and zip code.
- (c) "Authorized agent for the property owner" means a person acting as agent of a property owner.
- (d) "Authorized agent of the owner of the motor vehicle" means a person, including a towing carrier, who has been given written or oral permission by the owner, lessee, lienholder, or insurance company of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (e) "Authorized operator of a motor vehicle" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle.
- (f) "Business hours" means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.
- (g) "Gross vehicle weight rating" or "GVWR" is the maximum operating weight of a motor vehicle as specified by the manufacturer.
- (h) "Law enforcement officer" means any sheriff, police officer, Colorado state patrol officer, municipal code enforcement officer, or other such person acting in his or her official governmental capacity for enforcement of motor vehicle laws.

- (i) "Law enforcement-ordered tow" means a tow ordered by a law enforcement officer. Law enforcement-ordered tows are subject to these rules, even when the owner or operator of the motor vehicle consents to a law enforcement officer ordering a tow. A tow shall not be considered a law enforcement-ordered tow if the motor vehicle owner or operator has the ability or opportunity to terminate the tow and contact a towing carrier of his or her own choosing.
- (j) "Legal disability" means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the motor vehicle that was pulling it.
- (k) "Name" means a word or phrase that constitutes the distinctive designation of a person or thing and includes printed, legible words and includes the first and last name, as applicable.
- (l) "Nonconsensual tow" means the transportation of a motor vehicle by tow truck, including a trailer, if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle. Law enforcement-ordered tows are considered nonconsensual tows.
- (m) "Parking lot" means any place, lot, parcel, yard, structure, building or enclosure used in whole or in part for storing or parking five or more motor vehicles.
- (n) "Private property" means any real property that is not public property.
- (o) "Private Property Impound" (or "PPI") means a nonconsensual tow from private property upon authorization of the property owner.
- (p) "Property owner" means:
 - (I) the owner or lessee of the private property or public property;
 - (II) a person who has been authorized to act as an authorized agent for the property owner or lessee of the private property or public property; or
 - (III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.
- (q) "Public property" means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.
- (r) "Recovery" means winching, hoisting, up-righting, removing, or otherwise relocating a motor vehicle when the motor vehicle is found in such a location, state or position in which it could not be removed from the location, state or position using only the motor vehicle's own power, even if it were in complete operating condition. Waiting and site clean-up time are included in recovery services.
- (s) "Signature" means the name of the person written in his or her own handwriting or entered by that person electronically.
- (t) "Tow agreement" means a written agreement between a towing carrier and a property owner or law enforcement authorizing the towing carrier to perform tows and meeting the minimum requirements for tow agreements set forth in subparagraph 6508(a)(l) or by law enforcement.
- (u) "Towing" is the act of transporting a motor vehicle or trailer on or behind a tow truck.

- (v) "Tow invoice" means a written invoice provided to the vehicle owner or authorized agent of the vehicle owner in accordance with rule 6509.
- (w) "Tow record" means a complete record of the tow as maintained by the tow carrier in accordance with rule 6509.
- (x) "Tow truck" means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.
- (y) "Towing carrier" means a motor carrier that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles.
- (z) "Towing carrier permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-10.1-401, C.R.S.
- (aa) "Towing facility" means any place used for the storage of motor vehicles or records in conjunction with the operations of a towing carrier.
- (bb) "Trailer" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly, or in part, upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- (cc) "VIN" means the unique vehicle identification number used to identify a motor vehicle.

6502. [Reserved].

6503. Towing Carrier Permit Application.

- (a) In addition to completing the Commission-prescribed permit application form available on the Commission's website, a person must:
 - (I) pay an application fee of \$150.00;
 - (II) cause to be filed the required proof of financial responsibility; and
 - (III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement.

6504. Criminal History Checks.

- (a) This rule applies to principals of a towing carrier, including without limitation, directors and officers.
- (b) Qualification determination for towing carrier permit.
 - (I) Upon the Commission's receipt of results obtained from a criminal history record check, Commission staff shall make a qualification determination regarding the applicant's qualification status. In making this determination, Commission staff is authorized to request from the applicant, and the applicant shall provide, additional information that will assist Commission staff in making the determination. If an applicant either does not provide such additional information requested by Commission staff, or explain why it is unavailable, within 15 days of the request, Commission staff may deny the application.
 - (II) An application for a towing carrier permit shall be denied, if the applicant has:

- (A) a conviction in the state of Colorado, within the five years preceding the date the criminal history record check is completed, of any felony under any Title of C.R.S.; or
 - (B) an offense in any other state or in the United States that is comparable to any offense listed in subparagraph (A) within the same time periods as listed in subparagraph (A).
- (III) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (IV) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (c) Commission staff shall not issue a towing carrier permit to the applicant if a disqualifying criminal history record is found for a person subject to this rule.
- (d) If a disqualifying criminal history record is found for a person subject to this rule, the associated applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (I) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (II) The applicant shall bear the burden of proving that disqualification is not supported by fact or law.
- (e) If the Commission qualifies an applicant upon petition, paragraph (b) shall be waived as to qualification determinations for future applications regarding the events upon which Commission staff's disqualification was based.

6505. [Reserved].

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all tow trucks shall meet the following minimum requirements.

- (a) Basic tow truck requirements.
 - (I) A towing carrier shall equip its tow truck(s) with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (II) A towing carrier shall maintain its tow truck(s) in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure its tow truck(s) have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;

- (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of disability and the motor vehicle to be moved (reverse/back-up lights of the tow truck shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the tow truck;
- (D) one steering wheel tying device free from cracks, fraying, or deterioration; and
- (E) for any towing carrier that performs tows from accident scenes:
 - (i) one shovel; and
 - (ii) one broom.
- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:
 - (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the tow truck is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) A towing carrier shall not tow a motor vehicle without attaching required operational electric lights on the rear of the towed motor vehicle. This requirement does not apply to motor vehicles placed on a flatbed or trailer as long as the motor vehicle being towed does not extend four feet beyond the rear of the tow truck.

6507. Storage Facilities.

- (a) Disclosure of storage facility location. For nonconsensual tows of a motor vehicle, within 30 minutes of moving the towed motor vehicle from its location, or such lesser time as may be required by law, a towing carrier shall disclose the location of the storage facility by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.
 - (I) Compliance with paragraph (a) will be considered accomplished if the location of the storage facility was provided to the law enforcement agency in conjunction with obtaining authorization for the tow.
 - (II) If the towing carrier makes two or more documented attempts within the 30-minute time period to notify the responsible law enforcement agency, but is unsuccessful for reasons beyond the control of the towing carrier, the notice will not be considered late for purposes of paragraph (a).
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall also disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Disclosure for all towed motor vehicles. Upon request of the owner, authorized operator, or authorized agent of the owner of the of motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall also disclose the location of the storage facility, the total amount of the charges, and accepted forms of payment, as provided in rule 6512.
- (d) Signage at storage facility.
 - (I) A towing carrier shall maintain a clearly visible sign at the entrance to any storage facility where a motor vehicle has been towed as a nonconsensual tow. Such sign shall state the name of the business, telephone number, and hours of operation.
 - (II) All signs posted to provide notice pursuant to this rule shall comply with any applicable municipal ordinance. To the extent not inconsistent with applicable ordinance, signs shall also at a minimum:
 - (A) be no less than two square feet in size;
 - (B) have lettering not less than two inches in height;
 - (C) have lettering that contrasts sharply in color with the background on which the letters are placed; and
 - (D) be printed in English.
- (e) Lighting for release. A towing carrier shall maintain an area at each storage facility location on file with the Commission with illumination levels during all hours adequate to inspect a motor vehicle for damage prior to its release from storage.
- (f) Carrier responsibility. After a nonconsensual tow, the towing carrier is responsible for the security and safety of the towed motor vehicle until it is released in accordance with these rules. Evidence of the towing carriers' commercial liability insurance coverage including cargo liability coverage, garage keeper's liability coverage, if applicable, and motor vehicle liability coverage shall be provided, upon request, to the person to whom the motor vehicle is being released.

6508. Authorization for Towing of Motor Vehicles.

- (a) Towing carrier acting as authorized agent for the property owner.
 - (I) A towing carrier may act as the authorized agent for the property owner under a written tow agreement to that effect, provided the tow agreement is compliant with this paragraph (a). The tow agreement shall contain at least the following information in order for the tow to be properly authorized:
 - (A) the name, physical address, telephone number, email address, if applicable, and towing carrier permit number of the towing carrier;
 - (B) the name, address, email address, if applicable, and telephone number of the property owner;
 - (C) the address of the property from which the tows will originate;
 - (D) the name of each individual person who is authorized to sign the tow authorization except tow carrier drivers where the carrier is authorized to act as the property owner agent under this rule;
 - (E) the address and phone number of the storage facility where the motor vehicle owner may retrieve the motor vehicle;
 - (F) the beginning date and ending date of the tow agreement. Provisions that provide for automatic renewal of the tow agreement are permissible provided all signature parties on the original tow agreement remain the same and are still valid at the time of renewal;
 - (G) a statement that “the maximum rates for a nonconsensual tow from private property, and the maximum drop charge if the motor vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;”
 - (H) the name, title, phone number, and signature of the person entering into the tow agreement on behalf of the property owner and on behalf of the towing carrier; and
 - (I) the date the tow agreement is signed.
 - (II) Nothing in this paragraph (a) shall preclude a towing carrier who has been paid for the tow by the property owner at proper rates from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the property owner.
 - (III) No agency provided for in this paragraph (a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
 - (IV) Nothing in this paragraph (a) shall preclude a towing carrier or property owner from adding addendums to the tow agreement that modify any term of the tow agreement, so long as the addendums are in compliance with these rules and agreed upon by both the tow company and the property owner. Each addendum must be signed by both the tow company and the property owner and are required to be maintained with the original tow agreement.

- (b) Authorization to perform nonconsensual tow.
 - (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) the towing carrier is directed to perform a tow by a law enforcement officer;
 - (B) the towing carrier is requested to perform a tow by the owner, authorized operator, or authorized agent of the owner of the motor vehicle; or
 - (C) the towing carrier is requested to perform a tow upon the authorization of the property owner.
 - (II) A towing carrier may not come in contact with, hook-up to, or tow a motor vehicle that is occupied, unless the towing carrier is performing rescue or recovery operations for said occupant(s).
 - (III) Property owner authorization. The authorization from the property owner, or authorized agent for the property owner, shall be in writing; shall identify by make, license plate number (if available), and VIN (if available), the motor vehicle to be towed; and shall include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name. If the authorization is signed by the towing carrier as agent for the property owner, then a verifiable employee identification number or code name shall not be used. Documentation of such authority must be carried in the tow truck at all times while performing the tow. At a minimum, such documentation shall contain:
 - (i) the name, address, email address (if applicable), and telephone number of the property owner;
 - (ii) the address of the property from which the tows will originate; and
 - (iii) the name of each individual person who is authorized to sign the tow authorization.
 - (B) A towing carrier shall not have in his or her possession, accept, or use blank authorizations pre-signed by the property owner.
 - (C) The written authorization may be incorporated into the tow record/invoice required by rule 6509 or on any other document.
 - (D) With the exception of law enforcement-ordered tows, a towing carrier that is requested to perform a tow upon the authorization of a property owner or authorized agent for the property owner must immediately deliver the towed motor vehicle that is being removed from the property to a storage facility location on file with the Commission without delay. No motor vehicle may be relocated off of the private property from which it is towed to a location other than to such a storage facility.
 - (E) In the case of law enforcement-ordered tows, a towing carrier may relocate a motor vehicle to another location at the order of a law enforcement officer.

- (F) A motor vehicle towed as a nonconsensual tow shall be secured to the tow truck in accordance with the C.R.S. and the Code of Federal Regulations for the purpose of transporting the vehicle to the tow carrier's storage lot.
- (c) Expired vehicle registration. A towing carrier may not perform a nonconsensual tow of a motor vehicle for reason of expired vehicle registration as reflected on the vehicle license plate, unless the vehicle registration has expired pursuant to the terms of §§ 42-3-114 and 42-3-203, C.R.S.

6509. Tow Record/Invoice, Charge Notification, and Warning Signage.

- (a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop). The tow record/invoice form shall contain the following information:
 - (I) the unique serial number of the tow record/invoice;
 - (II) the name, address, towing carrier permit number, and telephone number of the towing carrier that is on file with the Commission;
 - (III) the address of the storage facility used by the towing carrier that is on file with the Commission, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;
 - (IV) the date and time of the drop, the date and time of commencement of the tow, the date and time of completion of the tow, the date and time notice was given to the appropriate law enforcement agency, the date and time the towed motor vehicle was placed in storage, and the date and time the towed motor vehicle was released from storage, as applicable;
 - (V) the make, model, year, complete VIN (if available), and license plate number (if available) of the towed motor vehicle;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;
 - (VII) unless incorporated into the authorization in subparagraph 6508(b)(III),
 - (A) the printed name, address, and telephone number of the person authorizing the tow; and
 - (B) the full, legal signature of the property owner authorizing the tow;
 - (VIII) the unit number or license number of the tow truck;
 - (IX) the printed name and signature of the tow truck driver;
 - (X) an itemized invoice of all towing charges assessed;
 - (XI) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released. The towing carrier may write "refused to sign" on the tow record/invoice if the person to whom the motor vehicle is released is provided opportunity to sign the tow/record invoice but refuses to do so;

- (XII) on at least the customer's copy of the tow record/invoice, the following notice in a font size of at least ten: "Report problems to the Public Utilities Commission at (303) 894-2070"; and
- (XIII) for all nonconsensual tows, the case report number or other identifiable entry provided by the law enforcement agency to which the tow was reported, in accordance with the requirements in § 42-4-2103(2) C.R.S., and paragraph 6507(a).
- (b) The tow invoice, as provided to the vehicle owner or authorized agent of the vehicle owner, shall include, at a minimum, the items listed in subparagraphs 6509(a)(I) through (VIII) and (X) through (XII). The towing carrier shall retain the copy of the tow record/invoice bearing all required original signatures for authorization and release whether it is maintained in electronic or multi-copy paper form.
- (c) The tow record/invoice must be filled out to contain the information required in subparagraphs 6509(a)(I), (II), (III), (V), (VI), (VII), and (VIII) by the tow truck driver prior to the tow truck leaving the location of the tow origination with the towed motor vehicle, unless impracticable due to safety concerns.
- (d) The towing carrier shall deliver a copy of the tow record/invoice to the owner, authorized operator, or authorized agent of the owner of the motor vehicle at the time of the release of the towed motor vehicle from a storage facility or where dropped for a drop fee, regardless of whether the towing carrier received in full payment of applicable charges.
- (e) Towing carriers shall provide a charge notification card to the owner, authorized operator, or authorized agent of the owner of the motor vehicle to be towed if such person is on the property prior to or after commencement of the tow but before the motor vehicle has been towed off the property. The charge notification card shall contain all the information listed on the Commission-prescribed form available on the Commission's website.
- (f) A towing carrier may place a warning sign on the driver-side window of a motor vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the motor vehicle prior to commencement of the tow. The tow-truck warning sign shall be at least eight inches by eight inches square or diameter, yellow or orange in color, and state the following: "WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person."

6510. Disclosure of Rates and Charges.

- (a) Prior to performing any tow, a towing carrier shall disclose to the owner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed. This rule does not apply to a nonconsensual tow authorized by the property owner or authorized agent for the property owner. Rates for law enforcement-ordered tows must be disclosed to the motor vehicle operator prior to commencement of the tow, except where not feasible for reasons including, but not limited to, arrest, incapacitation, or order of a law enforcement officer.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
 - (I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;

- (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the owner, authorized operator, or authorized agent of the owner of the motor vehicle to take delivery of the motor vehicle and pay the tow charges; and
- (III) estimated charges for mileage and storage.

6511. Rates and Charges.

- (a) Drop Charge. A towing carrier may assess a drop charge if the owner, authorized operator, or authorized agent of the owner of the motor vehicle that is parked without the authorization of the property owner appears in person to retrieve the motor vehicle after the motor vehicle is hooked up to the tow truck, but before the motor vehicle is removed from the property.
 - (I) The maximum drop charge is as follows for each vehicle weight classification:
 - (A) \$79.40 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
 - (B) \$102.08 for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$136.11 for motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and
 - (D) \$158.79 for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) Maximum drop charges may be less than these amounts if required by municipal ordinance or by the tow agreement with the property owner and shall be enforced by the Commission pursuant to this rule.
 - (II) The maximum drop charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) The minimum drop charge is \$0.00.
 - (IV) The towing carrier shall halt any tow in progress, including preparation therefor, prior to removal from the private property, and advise the owner, authorized operator, or authorized agent of the owner of the motor vehicle that he or she may offer payment of the towing carrier's drop charge. The towing carrier shall concurrently advise the owner, authorized operator, or authorized agent of the owner of the motor vehicle of acceptable forms of payment under rule 6512. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the towing carrier.
 - (V) If the towing carrier does not advise the owner, authorized operator, or authorized agent of the owner of the motor vehicle of the acceptable forms of payment under rule 6512 or accept such forms of payment, the towing carrier shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the owner, authorized operator, or authorized agent of the owner of the motor vehicle.

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- (b) The towing rates for PPI tows consists of up to four elements: a base rate for the tow; a mileage charge, including any applicable fuel surcharge; a charge for motor vehicle storage; and a charge for release from storage pursuant to paragraph 6511(f), if applicable.
- (I) The base rates for PPI tows are as follows for each vehicle weight classification:
- (A) \$203.90 for motor vehicles with a GVWR less than or equal to 10,000 pounds;
- (B) \$234.48 for motor vehicles with a GVWR greater than 10,001 pounds and less than or equal to 19,000 pounds;
- (C) \$316.05 for motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and
- (D) \$356.83 for motor vehicles with a GVWR greater than 33,000 pounds.
- (II) The base rates shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) The maximum mileage charge a towing carrier may assess for a PPI tow of a motor vehicle is \$3.80 per mile for each mile that the motor vehicle is towed, subject to the following limits: The maximum mileage that may be charged for a PPI tow is 12 miles for tows within ten miles of either side of U.S. Interstate Highway 25, and 16.5 miles for mountain areas and eastern plains communities that lie farther than ten miles from U.S. Interstate Highway 25.
- (IV) An additional fuel surcharge may be assessed when the price per gallon of diesel fuel exceeds a base rate of \$2.60. The Commission shall, each month, adjust the maximum mileage charge when the price per gallon of diesel fuel exceeds the base rate. The surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the Rocky Mountain region (DOE’s Weekly Diesel Price). The fuel surcharge adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in the DOE’s Weekly Diesel Price, or a one-percent decrease in the mileage rate for every ten-cent decrease in the DOE’s Weekly Diesel Price, but in no event decreasing below the base rate.
- (V) A towing carrier shall not charge or retain any additional fees not identified in these rules for the nonconsensual tow of a motor vehicle from private property.
- (c) Maximum towing rates for law enforcement ordered tows and recovery operations are to be calculated on an hourly basis, per required tow truck, as follows, with no additional fees, charges, or surcharges permitted.
- (I) The maximum hourly rates for tow truck and driver, billable in ¼ hour increments after the first hour, for the towing or recovery of motor vehicles, are as follows for each vehicle weight classification:
- (A) \$232.52 per hour for motor vehicles with a GVWR less than or equal to 10,000 pounds;

- (B) \$277.89 per hour for motor vehicles with a GVWR greater than 10,000 pounds and less than or equal to 19,000 pounds;
 - (C) \$362.96 per hour for motor vehicles with a GVWR greater than 19,001 pounds and less than or equal to 33,000 pounds; and
 - (D) \$419.67 per hour for motor vehicles with a GVWR greater than 33,000 pounds.
 - (E) The recovery of a motor vehicle requiring the use of a Heavy Rotator (60+ tons) shall not exceed \$663.53 per hour.
- (II) The maximum hourly rates for tow truck and driver shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
- (III) Mileage and fuel surcharges authorized elsewhere in rule 6511 do not apply to law enforcement-ordered tows or recovery operations.
- (IV) Any towing carrier billing greater than one hour for any tow truck and driver for a given tow shall:
- (A) include, in addition to requirements of rule 6509, the following information on the tow record/invoice, recorded at the time of occurrence: the time of dispatch; the time the tow truck leaves the yard or other staging location; the time the tow truck arrives on scene; the time the tow truck leaves the scene, and the time the towed motor vehicle is unhooked from the tow truck;
 - (B) include an advisement on the tow record/invoice that documentation of costs billed in excess of one hour for any tow truck and driver for such tow are available upon request from the towing carrier;
 - (C) only begin billing from a time not earlier than the towing carrier leaves their yard or staging area en route to the scene of the requested tow until the towed motor vehicle is unhooked;
 - (D) not bill more than the reasonable time necessary to perform the tow at hourly rates for one tow truck and driver, plus the towing carrier's actual and reasonable cost of recovery equipment and labor in excess of one tow truck and driver, plus an additional twenty-five percent of those actual and reasonable costs;
 - (E) provide an owner, authorized operator, or authorized agent of the owner of the motor vehicle documentation of actual and reasonable costs billed in excess of one hour for any tow truck and driver for such tow upon request; and
 - (F) not, under any circumstances, bill rates and charges provided in paragraph (b) for a PPI tow.

- (d) The maximum rates for a tow from a storage facility, when directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation, are as follows:
 - (I) \$91.00 for one additional hookup;
 - (II) \$91.00 per hour waiting time; and
 - (III) mileage charges as provided in paragraph (b).
- (e) Storage for nonconsensual tows.
 - (I) Storage charges may accrue from the time a motor vehicle is placed in storage and shall not exceed the following maximum rates, based on a 24-hour period or any portion of a 24-hour period, for the following classifications:
 - (A) \$39.18 for motor vehicles having a GVWR of less than 10,000 pounds;
 - (B) \$48.32 for motor vehicles having a GVWR of 10,000 pounds or more; or
 - (C) in lieu of the storage rates provided above, and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.50 per foot or portion thereof.
 - (D) For the purposes of this rule, the 24-hour time period commences when the motor vehicle enters the towing carrier's storage facility. The second day of storage, for the purposes of charges, shall not begin until 24 hours after the motor vehicle entered the towing carrier's storage facility.
 - (II) The storage charges shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.
 - (III) Storage charges shall not be charged, collected, or retained for any time during which garage keeper's liability insurance coverage is not kept in force.
 - (IV) Maximum storage charges for abandoned motor vehicles towed from private property.
 - (V) Storage charges after the tow and storage of an abandoned motor vehicle subject to Part 21 of Title 42, C.R.S., shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.
- (f) For a nonconsensual tow, the maximum additional charge for release of a motor vehicle from storage at any time other than the towing carrier's business hours is \$86.19. The release charge shall be adjusted for inflation annually, starting March 15, 2022, and effective March 15 of each year thereafter, based upon the annual percentage change in the United States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood, as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference by towing carriers and the general public, the Commission will post a notice on its website by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this rule.

- (g) Noncompliance. If a tow is performed, or storage is provided, in violation of state statute or Commission rule, the towing carrier may not charge or retain any fees or charges for the services it performs. Any motor vehicle that is held in storage and that was towed without proper authorization may be released without charge to the persons authorized in paragraph 6512(a). Any money collected must be returned to the owner, authorized operator, or authorized agent of the owner of the motor vehicle.
- (h) Abandoned motor vehicles.
 - (I) Notifications. The charges for notification(s) to the owner and the lien holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804 and 42-4-2103, C.R.S., and the rules of the Colorado Department of Revenue. For purposes of notification, any motor vehicle in possession of the towing carrier, including motor vehicles incidental to the tow (for example, loaded on a trailer when the trailer was towed) shall comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
 - (II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall not charge, collect, or retain any fees associated with the tow or storage of the motor vehicle.
 - (III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
 - (IV) Additional costs that may be charged when a stored motor vehicle is sold.
 - (A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.
 - (B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, up to a maximum of \$90.00.
 - (C) "Cost of maintaining a motor vehicle" means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe and operable condition.
 - (D) Certified VIN verification procedure. When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the maximum rates that may be charged for a certified VIN verification are as follows:
 - (i) rates as provided in paragraph (d); and
 - (ii) in addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.
- (i) Trailers.
 - (I) No additional fees may be charged for the towing of a power unit and trailer in combination as a single motor vehicle.

- (II) A vehicle in or on a trailer is considered in combination as a single unit.
- (III) No additional fees may be charged for the towing of cargo in combination; however, additional fees may be charged for towing a trailer when reasonably and actually conducted as a separate tow from a power unit.

6512. Release of Motor Vehicle and Personal Property.

- (a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, and release charges if payment is offered in cash or by valid major credit card. Accepted forms of payment may be annotated on the tow record/invoice so long as the required options are offered to the person to whom the motor vehicle is being released. The towing carrier may accept other forms of payment, but must accept payment by both MasterCard and Visa. A towing carrier shall not require "cash only" for a drop charge or to release a motor vehicle from its storage facility. The towing carrier shall release the motor vehicle to:
 - (I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;
 - (II) the lienholder or agent of the lienholder of the motor vehicle; or
 - (III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.
- (b) A towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual tow shall provide access to or release of the motor vehicle to the persons authorized for release of the motor vehicle in paragraph (a) of this rule either:
 - (I) with one hour's notice during all times other than the towing carrier's business hours that occur within the first 24 hours of storage; or
 - (II) upon demand during the carrier's business hours.
- (c) Failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804 and 42-4-2103, C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle at no charge to the persons authorized for release of the motor vehicle in paragraph (a) of this rule.
- (d) The towing carrier may charge up to the maximum rate for a nonconsensual tow established in paragraph 6511(b) for the removal of personal property that is not attached to or part of the equipment of the motor vehicle. The towing carrier shall release such personal property upon request from the owner, authorized operator, or authorized agent of the owner of the motor vehicle. This fee shall not be assessed for any of the items addressed under paragraphs 6512(g), (h), (i), and (j).
- (e) The towing carrier, at its discretion, need not comply with paragraphs (a) through (d) to release a motor vehicle or allow for removal of personal property if:
 - (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
 - (II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit;

- (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer;
 - (IV) the release of the motor vehicle does not comply with the release procedures agreed to, in writing, between the towing carrier and the applicable law enforcement agency; or
 - (V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than the carrier's business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the person to whom the motor vehicle or personal property is to be released may disrupt the public order.
- (f) A towing carrier shall release a motor vehicle held in storage to a person presenting a current driver's license who attests to being the authorized operator of the motor vehicle and produces two of the following: keys to the motor vehicle; proof of insurance; vehicle registration; VIN; and knowledge of the location from where the motor vehicle was towed. Such attestation must be provided on the "Vehicle Release Form" available on the Commission's website.
- (g) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system. The towing carrier shall immediately relinquish such items to persons authorized for release of the motor vehicle in paragraph (a) of this rule, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (h) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish credit cards and cash for immediate payment of the amount due to the towing carrier. The towing carrier shall immediately relinquish such items to persons authorized for release of the motor vehicle in paragraph (a) of this rule, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (i) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish state or federal issued identification to the owner of the identification or to persons authorized for release of the motor vehicle in paragraph (a) of this rule. The towing carrier shall immediately relinquish such items, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (j) Whether on the property where the tow originates or at the towing carrier's storage facility, a towing carrier shall not refuse to relinquish a cellular telephone to persons authorized for release of the motor vehicle in paragraph (a) of this rule. The towing carrier shall immediately relinquish such item, without requiring payment and without additional charge, upon demand during business hours and, during the first 24 hours after commencement of the tow, within one hour's notice outside of business hours.
- (k) A towing carrier shall not assess any additional fees or charges not specifically identified in these towing carrier rules.

6513. Notice.

- (a) A towing carrier may not perform a nonconsensual tow of a motor vehicle, other than an abandoned motor vehicle, from private property unless:

- (I) notice of the applicable parking limitations, regulations, restrictions, and prohibitions was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked; and
 - (II) notice that any motor vehicle parked in violation of the applicable parking limitations, regulations, restrictions, and prohibitions is subject to tow at the motor vehicle owner's expense was provided to the motor vehicle operator at the time the motor vehicle entered the private property and parked. The towing carrier must retain evidence that such notice was provided for three years from the date of completion of the tow and provide it to the Commission or an enforcement official upon request.
- (b) Abandoned motor vehicles. A towing carrier may not perform a nonconsensual tow of an abandoned motor vehicle from private property unless the motor vehicle was left unattended for a period of 24 hours or more and is presumed to be abandoned pursuant to § 42-4-2102(1), C.R.S.
- (c) The notice required in paragraph (a) is presumed to be met through signage if:
 - (I) a permanent sign is conspicuously posted visibly at each point of entrance to the private property; and
 - (II) if the private property is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed.
- (d) All signs posted to provide the notice required in paragraph (a) shall comply with any applicable municipal ordinance. To the extent consistent with applicable municipal ordinance, signs shall also, at a minimum:
 - (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state "Authorized Parking Only";
 - (V) include the name and telephone number of the towing carrier authorized to perform tows from the private property;
 - (VI) be printed in English;
 - (VII) at the entrance to the private property, face outward toward the street and be visible prior to and upon entering the private property;
 - (VIII) inside the private property, face outward toward the parking area;
 - (IX) not be obstructed or placed in such a manner that prevents visibility; and
 - (X) not be placed higher than ten feet or lower than three feet from the surface closest to the sign's placement.

6514. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
 - (I) § 40-10.1-401(1)(a), C.R.S.;
 - (II) subparagraph (a)(I), (b)(I), (b)(II), and (b)(III) of rule 6508; or
 - (III) paragraph (g) of rule 6511.
- (b) A violation of paragraph (a), (b), (c), (d), (e), (f), (h), or (i) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$150.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$150.00.
- (c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$550.00 for each violation:
 - (I) rule 6507;
 - (II) paragraph (c) of rule 6508;
 - (III) paragraph (a) of rule 6510;
 - (IV) paragraph (f) of rule 6512; or
 - (V) rule 6513.
- (d) A violation of rule 6506 may result in the assessment of a civil penalty of up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of Title 40, § 42-3-235.5, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6515. - 6599. [Reserved].

MOVER RULES

6600. Applicability of Mover Rules.

Rules 6600 through 6699 apply to all movers, and to all Commission proceedings and operations concerning movers, permit holders, employees, and drivers.

6601. Definitions.

In addition to the definitions in rule 6001, the following definitions apply to movers:

- (a) "Accessorial service" means "accessorial service" as that term is defined in § 40-10.1-501(1), C.R.S.
- (b) "Contract" means a written document, approved by the shipper in writing before the performance of any service, that authorizes services by the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.
- (c) "Estimate" means a written document that sets forth the total costs and the basis of such costs related to a shipper's move, including transportation or accessorial services. An estimate is not a contract.
- (d) "Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property if the transportation of such effects and property is: (1) arranged and paid for by the householder; except that "household goods" does not include property moving from a factory or store, other than property that the householder has purchased with the intent of use in his or her dwelling and that is transported at the request of, and the transportation charges are paid to the mover by, the householder; or (2) arranged and paid for by another party.
- (e) "Mover" means a motor carrier that provides the transportation or shipment of household goods.
- (f) "Shipper" means a person who uses the services of a mover to transport or ship household goods.
- (g) "Storage" means warehousing of the shipper's goods while under the care, custody, and control of the mover.

6602. [Reserved].

6603. Application.

- (a) The Commission will not issue a permit to operate as a mover until the Commission has received the required application. In addition to the application, a person seeking a permit to operate as a mover shall:
 - (I) cause to be filed the required proof of financial responsibility;
 - (II) if applicable, demonstrate compliance with the UCR Agreement; and
 - (III) pay an annual filing fee of \$325.00, as set forth in § 40-10.1-111(1)(d), C.R.S.
- (b) The Colorado Department of Revenue, Motor Carrier Services Division, through its Port of Entry weigh stations may issue a non-renewable temporary mover permit, valid for 15 consecutive days, to a person who:
 - (I) completes the temporary mover application form provided by the Commission;
 - (II) provides evidence of financial responsibility as required by § 40-10.1-107, C.R.S.;
 - (III) signs a verification, under penalty of perjury as specified in § 24-4-104(13)(a), C.R.S., that the applicant is insured as required by § 40-10.1-107, C.R.S.; and
 - (IV) pays a fee of \$150.00.

6604. [Reserved].

6605. Movers — Annual Permit.

A permit to operate as a mover is an annual permit valid for one year from the date of issuance.

6606. [Reserved].

6607. Forms of Payment.

A mover shall accept at least two of the following four forms of payment:

- (a) Cash;
- (b) Cashier's check, money order, traveler's check, or other form of certified funds;
- (c) A valid personal check, showing upon its face the name and address of the shipper or authorized representative; or
- (d) A valid credit card including, without limitation, MasterCard and Visa.

6608. Estimates and Contracts.

- (a) Estimates. A mover shall provide a written estimate of the total costs, and the basis for such costs, to be incurred by the shipper at least 24 hours prior to a scheduled move, unless the move is initiated less than 24 hours before the commencement of the move.
- (b) A mover cannot charge more than 110 percent of the estimate.
- (c) Contracts. Prior to providing any transportation or accessorial services, a mover shall leave with the prospective shipper, a contract that shall be signed and dated by the shipper and the mover, and shall clearly and conspicuously include at least the following information:
 - (I) The name, telephone number, and physical address where the mover's employees are available during business hours;
 - (II) The mover's mailing address on file with the Commission;
 - (III) The phrase "[name of mover] is registered with the Public Utilities Commission of the State of Colorado as a mover. Permit No. [mover's permit number]."
 - (IV) The date the document is prepared and any proposed date of the move;
 - (V) The name and address of the shipper;
 - (VI) The addresses where the goods are to be picked up and delivered;
 - (VII) A telephone number where the shipper may be reached, if available;
 - (VIII) A mailing address where the shipper can receive notices from the mover, if available;
 - (IX) The name, telephone number, and physical address of a location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper;
 - (X) An itemized breakdown and description of:

- (A) all costs and/or rates including, if applicable, an explanation of the hourly amounts charged and/or amounts charged based on the weight of the load,
 - (B) services for transportation, and
 - (C) accessorial services to be provided during a move or during the storage of household goods;
- (XI) The forms of payment the mover accepts pursuant to rule 6607; and
- (XII) The cargo valuation options available to the shipper, including at least the following two options, each of which must be identified and have a separate space for the shipper to explicitly accept or reject the option:
 - (A) Released Value Option. This option shall allow the calculation of the value of loss or damage to household goods shipments to the lesser of:
 - (i) a value equal to sixty cents (\$0.60) per pound per lost or damaged article; or
 - (ii) the value of the lost or damaged article, less depreciation for age and wear.
 - (B) Full Replacement Cost Option. This option shall allow the shipper to recover the full replacement cost for loss or damage to household goods shipments. This option shall:
 - (i) require the shipper to declare the value of the shipment;
 - (ii) permit the shipper to specify a deductible;
 - (iii) provide that the mover will be liable for the full replacement cost of each lost or damaged article up to the declared value of the shipment;
 - (iv) permit the shipper to purchase additional insurance coverage from the mover's insurance company; and
 - (v) explain that, without the purchase of additional coverage, the shipper will be liable for any declared amount not covered by the mover's insurance or surety company. However, if the shipper declares a value that is less than the value of the shipment, the mover's liability for each lost or damaged article will not exceed the proportional value of the article when compared to the declared value of the entire shipment.
- (d) More comprehensive contract. Nothing in this rule shall be construed to preclude the mover and the shipper from entering into a more comprehensive contract. However, the mover shall not enter into any more comprehensive contract containing provisions that conflict with the provisions of this rule.
- (e) Amendment. The contract may be amended at any time upon mutual agreement of the mover and the shipper. An amendment of the contract shall not be valid or enforceable unless, without duress or coercion as per Colorado law, both the mover and the shipper sign such amendment. A mover shall not charge, collect, or retain any increased costs and/or rates contained in an amendment if the amendment is not signed by both parties or is obtained by duress or coercion. The mover shall leave with the shipper a copy of the amendment.

6609. Consumer Advisement and Binding Arbitration

- (a) A mover shall provide the shipper with a consumer advisement at or before the commencement of the move or any accessorial services rendered. The consumer advisement shall be in substantially the following form and language:

CONSUMER ADVISEMENT

Intrastate movers in Colorado are regulated by the Colorado Public Utilities Commission (PUC). Each mover should have a PUC permit number. You are encouraged to contact the PUC to confirm that the mover you are using is indeed permitted in Colorado.

A mover that is not permitted may not withhold any of your property to enforce payment of money due under the contract ('carrier's lien').

A mover must include its PUC permit number, true name, and physical (street) address in all advertisements.

You should be aware that the total price of any household move can change, based on a number of factors that may include at least the following:

Additional services you request at the time of the move;

Additional items to be moved that were not included in the mover's original estimate;

Changes to the location or accessibility of building entrances, at either end of the move, that were not included in the mover's original estimate; and

Changes to the previously agreed date of pickup or delivery.

You should also be aware that, in case of a dispute between you and the mover, Colorado has an arbitration process available to resolve the dispute without going to court.

If you have any questions, you are encouraged to call the PUC at (303) 894-2070 for guidance on your rights and obligations.

I acknowledge that I have been given a copy of this consumer advisement to keep for my records.

Signed _____ (shipper). Date _____

- (b) In the event of a dispute between the shipper and the mover regarding the amount charged for services or concerning lost or damaged goods, the mover shall offer the shipper the opportunity to participate in binding arbitration per the requirements of § 40-10.1-507, C.R.S.

6610. Delivery and Storage of Household Goods.

- (a) Pursuant to § 40-10.1-506(1), C.R.S., a mover shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or goods for use by children, including children's furniture, clothing, or toys under any circumstances. The mover shall relinquish such items as expeditiously as possible under the circumstances.
- (b) A mover shall relinquish household goods to a shipper and shall place the goods inside a shipper's dwelling unless:

- (I) the shipper has not tendered payment in the amount and in the acceptable form specified in the contract; or
 - (II) the shipper or the shipper's agent is not available to accept delivery of the household goods at the agreed upon date, time, and location.
- (c) If, pursuant to paragraph (b) of this rule, a mover maintains possession of a shipper's household goods, such mover may place the household goods in storage until payment is tendered. Such storage shall only be at the location specified in the contract unless, for good cause and in good faith, the mover is required to store the household goods at a location other than that specified in the contract. If the mover stores the household goods at such an alternate location, the mover:
 - (I) shall mail to the shipper a notice of such alternate storage location within two business days.
 - (II) may only charge additional fees for such alternate storage (e.g., in excess of those set forth in the contract) unloading services, and reloading services, if:
 - (A) such additional fees are reasonable; and
 - (B) storage at the alternate storage location is necessitated by some act or omission of the shipper, or is necessitated by circumstances beyond the control of the mover.
- (d) Notwithstanding any other provision of this rule, upon written request from the shipper, the mover shall notify the shipper of the storage location and the amount due. Such notice shall be given within five days of receipt of the written request.
- (e) If a mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the mover shall take reasonable care to ensure the safekeeping of such household goods.
- (f) A mover shall not require a shipper to waive any rights or requirements under this rule.

6611. Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100.00 for each violation of:
 - (I) § 40-10.1-502(1)(a), C.R.S., with regard to operating, offering service, or advertising without a valid permit issued by the Commission;
 - (II) § 40-10.1-505, C.R.S., or paragraph 6608(c), with regard to providing the shipper with a contract prior to providing transportation or accessorial services;
 - (III) paragraphs 6608(a), (b), and (e); or
 - (IV) § 40-10.1-506(1) or (2), C.R.S., or paragraph (a) or (b) of rule 6610.
- (b) A person who violates any of the following provisions may be assessed a civil penalty of up to \$550.00 for each violation of paragraph (c), (d), (e), or (f) of rule 6610.
- (c) Except as provided for in paragraphs (a) and (b) of this rule, a person who violates any provision of Title 40, C.R.S., pertaining to movers, or any provision of rules 6600 through 6610 may be assessed a civil penalty of up to \$275.00 for each violation.

- (d) Civil penalty assessments are in addition to any other penalties provided by law.

6612. - 6699. [Reserved].

TRANSPORTATION NETWORK COMPANY RULES

6700. Applicability of Transportation Network Company Rules.

Rules 6700 through 6724 apply to all transportation network companies (TNCs) as defined by § 40-10.1-602(3), C.R.S. and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

6701. Definitions.

The following definitions apply throughout rules 6700 through 6724, except where a specific rule or statute provides otherwise.

- (a) "Enforcement official" means:
- (I) any person appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation network companies; or
 - (II) as defined by § 42-20-103(2), C.R.S.
- (b) "Logged in" means that a driver's credentials have been accepted to connect to a transportation company digital network such that the driver is capable of being matched to a rider [OR a driver has gained access to a transportation company digital network].
- (c) "Logged out" means that a driver is disconnected or not connected to a transportation company's digital network.
- (d) "Matched" means the point in time when a driver accepts a requested ride through a transportation network company's digital network.
- (e) "Permit" means the permit required for the operation of a transportation network company pursuant to Part 6 of Article 10.1 of Title 40, C.R.S.
- (f) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity and any person acting as or in the capacity of officer, director, manager, employee, member, partner, lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.
- (g) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing services for a transportation network company that meets the vehicle criteria set forth in § 40-10.1-605(1)(h), C.R.S.
- (h) "Prearranged ride" means a period of time that begins when a driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the personal vehicle.

- (i) “Transportation network company” (TNC) means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect riders to drivers for the purpose of providing transportation. A transportation network company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing arrangements, as defined in § 39-22-509 (1) (a) (II), C.R.S. or any transportation service over fixed routes at regular intervals. A transportation network company is not deemed to own, control, operate, or manage the personal vehicles used by transportation network company drivers. A transportation network company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal “Internal Revenue Code of 1986”, as amended.
- (j) “Transportation network company driver” or “driver” means an individual who uses his or her personal vehicle to provide transportation network company services for riders matched to the driver through a transportation network company’s digital network. A driver need not be an employee of a transportation network company.
- (k) “Transportation network company rider” or “rider” means a passenger in a personal vehicle for whom a driver provides transportation network company services, including:
 - (I) an individual who uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or
 - (II) anyone for whom another individual uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle.
 - (III) “Rider” includes service animals as defined in § 24-34-803, C.R.S., accompanying any passenger.
- (l) “Transportation network company services” or “services” means the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company. The term does not include services provided either directly by or under contract with a political subdivision or other entity exempt from federal income tax under § 115 of the federal “Internal Revenue Code of 1986”, as amended.

6702. Permit Requirements.

- (a) No person shall operate or offer to operate as a TNC in Colorado without a valid permit issued by the Commission.
- (b) To obtain a TNC permit, a person must:
 - (I) complete and submit an application on a Commission-prescribed form;
 - (II) pay the annual application fee; and
 - (III) cause to be filed with the Commission proof of financial responsibility that complies with the requirements found in these rules and § 40-10.1-604, C.R.S.
- (c) No person shall file an application under a name, trademark, or trade name that identifies a type of transportation service not authorized by the TNC statutes, §§ 40-10.1-601 through 608, C.R.S. (e.g., a TNC shall not have the word “taxi” in its name). Applications filed in violation of this rule, shall not be processed.

- (d) A permit is valid for a period of one year from the later of the effective date or the date of issuance.

6703. Commission's Records, Name Changes, Address Changes, and Address Additions.

- (a) A TNC is obligated to ensure the accuracy of any information it provides to the Commission pursuant to this rule. Any information provided pursuant to this rule, by a TNC for the Commission's files shall be deemed to be accurate until changed by the TNC.
- (b) TNCs are required to notify the Commission in writing of any change of name, trade name, trademark, mailing address, physical address, or telephone number on file with the Commission within two days of making said change. The notification shall identify the person making the change and the affected permit. A notice of name change including trade name changes and trade name additions shall include supporting documentation from the Colorado Secretary of State.
 - (I) In the event of a name change or an address change, the TNC shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility.
 - (II) No name change shall be effective until proper proof of financial responsibility in the TNC's new name has been filed with the Commission.

6704. Notice.

Any notice to a TNC sent to a physical, mailing, or email address of a TNC's designated agent on file with the Commission shall constitute prima facie evidence that the TNC received the notice.

6705. Designation of Agent.

- (a) Each TNC shall file in writing with the Commission, and shall maintain on file, its designation of the name, mailing address, physical address, email address, and phone number of a person upon whom service may be made of any lawful notice, order, process, or demand. The named person is the designated agent. A TNC shall not designate as its agent the Colorado Secretary of State. The person designated, if a natural person, shall be at least 18 years of age. The addresses of the person designated shall be in the state of Colorado.
- (b) TNCs shall notify the Commission of any changes in the designated agent's identity, name, mailing address, physical address, email address, or phone number by filing a new designation within two days following the effective date of such change.
- (c) Service upon a designated agent, as on file with the Commission, shall be deemed to be service upon the TNC.

6706. Financial Responsibility.

- (a) Every TNC shall obtain and keep in force at all times motor vehicle liability insurance coverage that conforms with the requirements of § 40-10.1-604(2), C.R.S. Every TNC shall cause to be filed a Commission-prescribed Form T: TNC Bodily Injury and Property Damage Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.

- (b) If a TNC chooses to maintain primary automobile insurance coverage on behalf of a driver or drivers that conforms with the requirements of § 40-10.1-604(3), C.R.S., it shall cause to be filed a Commission-prescribed Form P: TNC Primary Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (c) For purposes of this rule, surplus line insurers authorized under article 5 of title 10, C.R.S., are within the meaning of an insurer authorized to do business in the state of Colorado.
- (d) If a TNC chooses not to maintain primary automobile insurance on behalf of a driver or drivers, it shall file a certification that each driver who is authorized by a TNC to log in to the TNC's digital network is in compliance with the provisions of § 40-10.1-604(3), C.R.S.
- (e) Administrative cancellation of certificates of insurance and/or surety bond.
 - (I) When a new certificate of insurance and/or surety bond is filed with the Commission, all certificates of insurance and/or surety bond for the same type and category of coverage with an older effective date shall be administratively cancelled upon the effective date of the new certificate of insurance and/or surety bond.
 - (II) When the Commission receives notice from a TNC to cancel its permit, all the certificates of insurance and/or surety bond for the TNC shall be administratively cancelled.

6707. Financial Responsibility - Revocation, Suspension, Alteration, or Amendment.

- (a) Summary suspension and/or revocation for lack of financial responsibility of a TNC.
 - (I) Summary suspension.
 - (A) Whenever Commission records indicate that a TNC's, required insurance or surety coverage, is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to § 24-4-104(3) and (4), C.R.S., summarily suspend such permit.
 - (B) Failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance. The Commission will provide notice to a TNC that its insurance company has failed to respond to an inquiry for verification of insurance coverage at least 15 days prior to the expiration of the 60 day period.
 - (C) The summary suspension shall be effective on the date of coverage cancellation.
 - (II) The Commission will advise the TNC:
 - (A) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (B) that its permit is summarily suspended as of the coverage cancellation date;
 - (C) that it shall not conduct TNC services under its permit after the coverage cancellation date;
 - (D) that the Commission has initiated complaint proceedings to revoke its permit;

- (E) that it may submit, at a hearing convened to determine whether its permit should be revoked, written data, views, and arguments showing why such permit should not be revoked; and
- (F) the date, time, and place set for such hearing.
- (III) Until proper proof of insurance or surety coverage, is filed with the Commission, a TNC receiving notice of summary suspension shall not conduct TNC services after the effective date of such summary suspension.
- (IV) If the Commission receives proper proof of coverage prior to the hearing, the summary suspension and complaint will be dismissed without further order of the Commission. TNC services performed during lapses in coverage are subject to civil penalty assessments.
- (V) If the Commission receives proper proof of coverage prior to revocation, the Commission will dismiss the summary suspension and complaint. TNC services performed during lapses in coverage are subject to civil penalty assessments.
- (b) After a hearing upon at least ten days' notice to the TNC affected, and upon proof of violation, the Commission may issue an order to cease and desist, suspend, revoke, alter, or amend any permit for a violation of, or failure to comply with, any statute, order, or rule concerning a TNC.

6708. Driver Minimum Qualifications.

- (a) A TNC shall not permit a person to act as a driver unless the person is at least 21 years of age; has a valid driver's license; has self-certified to the TNC that he or she is physically and mentally fit to drive; and is not disqualified to drive based on the results of the driving history research report required by rule 6711 or the criminal history record check required by rule 6712.
- (b) A TNC shall require a driver to maintain on their person or in their personal vehicle the following documents in physical or electronic form: proof that the driver has self-certified to the TNC that he or she is physically and mentally fit to drive; valid driver's license; current vehicle inspection form; any waiver granted by the Commission; and proof of all required insurance, including TNC required insurance. These documents shall be immediately provided by the driver to an enforcement official upon request.

6709. Waivers or Variances.

A TNC that is granted a waiver or variance, or that engages a driver who has been granted a waiver or variance, shall maintain a copy of the waiver or variance during the term of the TNC's or the driver's service and for six months thereafter. This rule shall have no effect on the right and discretion of a TNC to decide not to contract with a driver applicant or to disconnect a driver from its TNC platform.

6710. Record Maintenance and Retention.

- (a) A TNC or third party on behalf of a TNC may maintain records in electronic format, provided that copies can be reproduced in their original format.
- (b) A TNC shall maintain the following data for each prearranged ride, as applicable, for a minimum of one year from the date of each such prearranged ride: the personal vehicle's license plate number; the identity of the driver; the identity of the matched individual using the TNC application to request a prearranged ride; the date and time of the rider's request for service; the originating address; the date and time of pickup; the destination address; and the date and time of drop-off.

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- (c) A TNC, or third party on behalf of a TNC, shall maintain the following records for each driver and the driver's personal vehicles.
- (I) A driver's application submitted to the TNC which must, at a minimum, contain the following information: the applicant's name, address, date of birth, and driver license number; the date the application was submitted; and the applicant's signature attesting that all the information provided on the application is true and accurate. A driver's application must be maintained during the period of service and for six months thereafter.
 - (II) The disclosures provided to the driver within the driver's terms of service, including the driver's acknowledgement of said terms. The terms of service disclosures and acknowledgement shall be maintained during the period of service and for six months thereafter.
 - (III) The driving history research reports. The driving history research reports shall be maintained for a period of three years from the date the research was conducted.
 - (IV) The results of the criminal history record check. The results of the criminal history record check shall be maintained for a period of five years from the date the record check was conducted.
 - (V) The driver's state issued driver's license. The driver's license shall be maintained during the period of service and for six months thereafter.
 - (VI) Proof that the driver has self-certified to the TNC that he or she is physically and mentally fit to drive. This information shall be maintained during the period of service and for six months thereafter.
 - (VII) If applicable, any current waivers or variances.
 - (VIII) Hours of service records required by rule 6722, including all supporting documentation verifying such time records, shall be maintained for the most recent six months during the term of service; and such records shall be maintained for six months after the term of service.
 - (IX) The initial and periodic vehicle inspections. Vehicle inspections shall be maintained for a period of 14 months from the date of inspection.
- (d) A TNC shall maintain the following data for each report of conduct in violation of § 40-10.1-605(6) for a minimum of one year following the due date of the annual report including the period of time of the conduct reported to the TNC:
- (I) the written report; and
 - (II) documentation of actions taken, if any, to address the alleged violation.
- (e) A TNC shall maintain the following data for any personally identifiable information disclosed concerning a user of the transportation network company's digital network for a minimum of one year:
- (I) the information disclosed;
 - (II) to whom the information was disclosed;
 - (III) the user's consent to disclose the disclosed information, if applicable;
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- (IV) the legal obligation necessitating disclosure, if applicable; and
 - (V) documentation of the facts and circumstances necessitating disclosure to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions, if applicable.
- (f) A TNC is responsible for compliance with record maintenance and retention requirements without regard to whether the TNC maintains and retains records or whether a third party maintains and retains them on the TNC's behalf.

6711. Driving History Research Report.

- (a) Before permitting an individual to act as a driver on its digital network, a TNC shall obtain and review a driving history research report for the individual. The driving history research report shall include at a minimum any moving violation in the United States for the three-year period preceding the individual's application. An individual with moving violations identified in § 40-10.1-605(4)(b)(I) and (II), C.R.S. shall not serve as a driver for the TNC.
- (b) At least once every 12 months, a TNC shall obtain and review a driving history research report for each driver authorized to use the TNC's digital network. The driving history research report shall include at a minimum any moving violation in the United States for the preceding three-year period. An individual with moving violations identified in § 40-10.1-605(4)(b)(I) and (II), C.R.S. shall not continue to serve as a driver for the TNC.

6712. Criminal History Record Checks.

- (a) Before permitting an individual to act as a driver on its digital network, a TNC shall obtain and review a criminal history record check for the individual that complies with C.R.S. § 40-10.1-605(3)(a). If a privately administered national criminal history record check is used, custody of the record check shall be direct from the entity administering the check to the TNC.
- (b) If a privately administered national criminal history record check is conducted, the TNC shall obtain the applicant's social security number (or Alien Registration Number/USCIS Number or Form I-94 Admission Number), birth date, and driver's license number.
- (c) The identifying information obtained in paragraph (b) shall be run through national and county or statewide criminal background databases or other similar commercial databases and validated through a primary source search. These searches shall include, at minimum, the National Sex Offender Registry and, in jurisdictions where an applicant has lived, a federal district court records search, a county criminal records search, and a motor vehicle records search.
- (d) At least once every five years, a TNC shall obtain and review a criminal history record check for each driver authorized to use the TNC's digital network.
- (e) No TNC shall permit any individual convicted of or who pled guilty or nolo contendere to any of the offenses listed in § 40-10.1-605(3)(c), C.R.S. to log in to its digital network or serve as a driver for the TNC.

6713. Proof of Physical and Mental Fitness.

No TNC shall permit a person to act as a driver on its digital network, unless the person has self-certified to the TNC through the TNC's online application or digital network that he or she is physically and mentally fit to drive, pursuant to § 40-10.1-605, C.R.S.

6714. Vehicle Inspections.

A TNC shall conduct or have a vehicle inspector conduct an initial safety inspection of a prospective driver's vehicle before it is approved for use as a personal vehicle and shall have periodic inspections of personal vehicles conducted thereafter, at intervals of at least one inspection per year. A driver and TNC shall ensure that the initial and periodic inspections are completed on the form prescribed by the Commission. A vehicle shall be placed out-of-service if it failed to meet the vehicle inspection criteria identified in this rule. The TNC may reinstate the personal vehicle for service after the out-of-service condition is removed or resolved.

Initial inspections, periodic inspections, and inspections by an enforcement official shall include an inspection of the items set forth in § 40-10.1-605(1)(g)(I), C.R.S., based upon the following criteria.

- (a) Foot brakes: each vehicle shall be equipped with brakes acting on all wheels and capable of operating as designed by the manufacturer; the brake lining/pad thickness on the steering axle shall not be less than 3/16 of an inch and shall not be less than 1/16 of an inch on the non-steering axle; the thickness of the drums or rotors shall not be less than the limits established by the brake drum or rotor manufacturer and no evidence of metal to metal contact or rusting on contact surfaces; and shall not have missing or broken calipers, pad retaining components, brake pad, shoes, or linings.
- (b) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the manufacturer.
- (c) Steering mechanism: each vehicle shall not have steering wheel lash that exceeds four inches. Universal joints and ball and socket joints shall not be worn, faulty or repaired by welding and all components of the power steering system must be present with no parts missing and belts shall not be frayed, worn or slipping. Telescoping or tilt steering wheels shall lock in a fixed position.
- (d) Windshield: shall be free of discoloration or intersecting cracks which interfere with the driver's field of view.
- (e) Rear window and other glass: vehicle windows to the side and rear of the driver shall be fully operational if originally manufactured to be so and shall be free from intersecting cracks.
- (f) Windshield wipers: vehicles shall be equipped with a wiping system and washer system that are in proper working condition and capable of being controlled by the driver from within the vehicle.
- (g) Head lights: each vehicle must have head lights that do not have broken or missing lenses covers and that have both upper and lower beams; and are in proper working condition.
- (h) Tail lights: each vehicle must have tail lights that do not have broken or missing lenses covers and are in proper working condition.
- (i) Turn indicator lights: vehicle must have turn indicator lights that do not have broken or missing lenses covers and are in proper working condition. The vehicle must be equipped with a hazard warning signal operating unit that is in proper working condition.
- (j) Stop lights (lamps): all vehicles must have stop lamps that do not have broken or missing lens covers and are in proper working condition.
- (k) Front seat adjustment mechanism: the vehicle must be equipped with a front seat adjustment mechanism that is capable of locking in at least one fixed position.

- (l) Doors: all vehicles must be equipped with a minimum of four doors; all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original manufacturer.
- (m) Horn: all vehicles must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (n) Speedometer: all vehicles must be equipped with an operating speedometer that is paired with an OEM approved tire size.
- (o) Bumpers: all vehicles must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (p) Mufflers and exhaust system: all vehicles must be equipped with a securely fastened and properly located muffler and exhaust system capable of expelling and directing harmful combustion fumes as designed by the original manufacturer. No part of the exhaust system shall leak or be repaired with wrap or patches.
- (q) Tires and wheels: no tire shall have any tread or sidewall separation or has a cut to the extent that the ply or belt material is exposed; any tire on the front or rear wheels of a vehicle shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurement shall not be made where the tie bars, humps or fillets are located; and vehicle wheels shall not have cracks or missing spokes, shall be securely attached to the vehicle and not have loose or missing lug nuts.
- (r) Rear view mirrors: all vehicles must be equipped with rear view mirrors as designed by the original manufacturer.
- (s) Safety belts: all vehicles must be designed by the original manufacturer to carry no more than eight passengers, be equipped with no more than eight safety belts as designed by the original manufacturer, and must be equipped with safety belts for both the driver and all riding passengers that are in proper working condition and capable of being operated at all times.

6715. Vehicle Inspectors.

- (a) Individuals performing the initial vehicle inspection or a periodic inspection by or for a TNC shall be a certified mechanic or a person that is capable of performing an inspection by reason of experience, training, or both.
- (b) TNCs must retain a record of the federal or state sponsored training program certifying an individual performing inspections or retain evidence of the individual's qualifications under this rule if the inspection was completed by an individual substituting training and experience for a certificate from a federal or state sponsored training program. TNCs must retain this evidence for the period during which that individual is performing vehicle inspections for the TNC and for one year thereafter.
- (c) For purposes of this rule, a TNC's receipt of certification by a company authorized to do business in Colorado that inspections are performed only by persons capable of performing the 19-point inspection listed in rule 6714 by reason of experience, training, or both, satisfies the TNC's obligations in paragraphs (a) and (b) of this rule.

6716. Authority to Interview Personnel and Inspect Records and Personal Vehicles.

For purposes of investigating compliance with, or a violation of, these rules or applicable law, an enforcement official has the authority to interview persons, drivers and riders, to inspect records, and to inspect personal vehicles used in providing TNC services.

- (a) Upon request of an enforcement official during the Commission's normal business hours, a TNC shall provide to the enforcement official, any requested records relating to insurance under rule 6707, proof of physical and mental self-certification under rule 6713, hours of service under rule 6722, vehicle inspections under rules 6714, 6715, and 6717, and waivers or variances under rule 6709. A TNC shall also include in its driver policies a requirement that a TNC driver immediately provides all of these documents, except those under rule 6722, to an enforcement official upon request. If a driver fails to make such personal vehicles available for inspection, upon notice to the TNC, the TNC shall disconnect the driver from its TNC platform until the driver makes the vehicles available for inspection.
- (b) Within 72 hours of notice by an enforcement official, a TNC shall provide to the enforcement official, electronic copies of the requested records that TNCs are required to be retained by these rules. Paper copies shall be provided if requested by an enforcement official.
- (c) Upon reasonable notice and request by an enforcement official, and in addition to other inspection requirements, a driver shall make his/her personal vehicles used in providing TNC services available for inspection and the driver shall assist, if requested, in the inspection of such personal vehicle. If a driver fails to make such personal vehicles available for inspection, upon notice to the TNC the TNC shall disconnect the driver from its TNC platform until the driver makes the vehicles available for inspection.
- (d) In addition to requirements of any other rule herein, and upon reasonable notice and request by an enforcement official, TNC personnel and drivers shall be available for interview during the Commission's normal business hours.
- (e) When a request under this rule implicates multiple response times the shortest time period shall apply.

6717. Inspection of Drivers and Vehicles.

A driver and the driver's vehicle are subject to inspection by and producing documentation to an enforcement officer if the driver is logged into a TNC's digital network, is at that time offering or providing service, or by any other arrangement made between the Commission and TNC for inspection of vehicles.

6718. Inspection Process.

- (a) When a driver or vehicle is inspected by an enforcement official the enforcement official shall tender a copy of a Driver/Vehicle Compliance Report (DVCR) to the driver. The enforcement official will provide notice to the TNC that a driver and/or vehicle inspection was conducted and that violations were found, if any.
- (b) The TNC shall be responsible to contact and obtain a copy of the DVCR from the driver.
- (c) Within 15 days following the date of the inspection, the TNC shall:
 - (I) ensure all violations or defects noted thereon are corrected before any other TNC services are provided;

- (II) complete the TNC official's signature, title, and date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (III) return the completed DVCR to the Commission in the manner stated on the DVCR; and
 - (IV) retain a copy of the DVCR in its records.
- (d) If an enforcement official determines that a vehicle that would likely cause an accident or breakdown due to its mechanical condition, or an unsafe condition exists that would likely harm occupants, the vehicle shall be placed out-of-service. A TNC shall disconnect the driver of the vehicle from the TNC digital network upon notice from the enforcement official that the vehicle has been placed out-of-service.
- (e) A driver who, by reason of the driver's lack of qualification under rule 6708, sickness or fatigue, violation of hours of service provisions under rule 6722, or being under the influence of drugs or alcohol, would likely cause an accident as determined by an enforcement official shall be placed out-of-service. A TNC shall disconnect the driver of the vehicle from the TNC digital network upon notice from the enforcement official that the driver has been placed out-of-service.
- (f) Declaring a personal vehicle and/or a driver out-of-service on a DVCR and communicating that condition to the TNC shall constitute an out-of-service order.
- (g) The TNC may reinstate the personal vehicle and/or the driver for service after the out of service condition is removed or resolved.

6719. Vehicle Markings.

A TNC shall require that a driver displays the TNC's vehicle marking in or on the personal vehicle while logged in to a TNC's digital network. The TNC shall file a description and location of vehicle markings that drivers are required to display. Vehicle marking shall be readily visible during daylight hours from the front or passenger side of the vehicle at a distance of 50 feet, but in no case be less than three inches tall.

6720. Annual Report of Drivers' Refusals to Transport and Driver Discipline.

- (a) TNCs shall require drivers to submit a written report for any incident in which a driver refuses to transport a passenger pursuant to § 40.10.1-605(9), C.R.S. The report shall include the reason for the refusal.
- (b) TNCs shall reasonably address any reports of alleged violations of § 40-10.1-605(6)(a), C.R.S., including reports from drivers, passengers, or the Commission.
- (c) Prior to February 1 of each calendar year, each TNC shall report to the Commission the number of incidents in which a driver has reported to the TNC, pursuant to § 40-10.1-605(9), C.R.S., each refusal to transport a passenger after the driver and rider were matched, for the previous calendar year. Each report must include, but is not limited to the following information: the TNC's name; the TNC's permit number; the period being reported; the identity of each involved driver; the date the prearranged ride was requested; the address from which the prearranged ride was requested; the destination to which the prearranged ride was intended; and the reason the prearranged ride was refused. The report shall contain a record of any discipline administered to the driver for any alleged violation of § 40-10.1-605(6)(a), C.R.S. The report also shall contain the signature, the printed name and title of the person completing the form; the signature, the printed name and title of an officer authorized to file the report; and an oath that the information is accurate.

- (d) Prior to February 1 of each calendar year, each TNC shall report to the Commission a record of any actions taken by the TNC to address alleged violations of the TNC statute (§40-10.1-601, et seq., C.R.S.) and of the Commission's TNC Rules (Rules 6700-6724 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6) as notified by enforcement officials discipline administered to a driver for a violation of statute or rules. Each report must include, but is not limited to the following information: the TNC's name; the TNC's permit number; the period being reported; the identity of each involved driver, the violation, the discipline administered, including a notation whether the driver was subsequently monitored and involved in any other violations.

6721. Offering of TNC Service.

- (a) No TNC, or any officer, agent, employee, or representative of said company, shall offer a TNC service in a name other than a name as it appears on the TNC's permit, including matching the characters, numbers and letters as used on the permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation). If a TNC operates under registered trade names, registered d/b/a designations, or registered trademarks that are words and/or names, the TNC's permit shall also reflect that the TNC is using the registered trade names, registered d/b/a designations, or registered trademarks that are words and/or names in providing TNC service.
- (b) If a TNC operates under registered trade names, registered d/b/a designations, or registered trademarks that are words and/or names, nothing in this paragraph shall be construed to require advertising under all names appearing on said TNC's permit.

6722. Hours of Service.

- (a) A driver shall not offer or provide transportation network company services for more than 12 consecutive hours.
- (b) If a driver is logged in to a TNC's digital network, the driver will be presumed to be offering or providing TNC services. The presumption that a driver is offering or providing service by being logged in to a TNC's digital network may be rebutted with the presentation of credible evidence at the time of an audit, record review, or evidentiary hearing.
- (c) A TNC shall adopt a policy designed to ensure that, after 16 cumulative hours logged into the TNC's digital network in a calendar day, the driver shall log out of the TNC's digital network for eight consecutive hours. For purposes of this provision, a driver will not be deemed to have logged into the TNC's digital network if the login period does not exceed five minutes. The TNC shall enforce this policy through appropriate monitoring of available data and administration of disciplinary actions.
- (d) A TNC shall adopt a policy designed to ensure that no driver is logged in to the TNC's digital network for more than 70 hours in a consecutive seven-day period. The TNC shall enforce this policy through appropriate monitoring of available data and administration of disciplinary actions. The TNC shall file the policy and any changes or updates with the Commission.
- (e) Appropriate monitoring of available data includes, at a minimum, a review of said data for each of its drivers no less than one time per week and the implementation of disciplinary actions in accordance with the TNC's policy.
- (f) Any driver found by the TNC to have violated either or both of the policy requirements set forth in (c) and (d) above shall be disconnected from the TNC network for a period of no less than 24 consecutive hours.
- (g) A TNC that engages a driver shall maintain and retain true and accurate time records, including all supporting documents verifying such time records, for a period of six months showing:

- (I) each time(s) the driver logs in to the TNC's digital network each day;
 - (II) each time(s) the driver logs out of the TNC's digital network each day;
 - (III) the total number of hours the driver is logged in to the TNC's digital network each day;
and
 - (IV) any disciplinary actions taken against drivers for violations of the policies adopted pursuant to this section.
- (h) The failure to appropriately monitor and enforce these policy requirements shall subject a TNC to civil penalty assessments.

6723. Prohibitions.

- (a) No TNC shall require or permit any driver declared and ordered out-of-service to operate, nor shall any driver operate, any personal vehicle until the driver's out-of-service condition has been corrected.
- (b) No TNC shall require or permit any driver to operate, nor shall any driver operate, any personal vehicle declared and ordered out-of-service until all repairs required by the out-of-service order have been satisfactorily completed.
- (c) A TNC shall have and enforce a policy that a driver shall not operate any personal vehicle when the driver's ability to operate the personal vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of the personal vehicle. A TNC that is notified by an enforcement official or confirms on its own or through another means that a driver has violated this rule shall disconnect the driver from its digital network until the condition is no longer present.
- (d) A TNC shall have and enforce a policy that a driver shall not operate any personal vehicle if the driver is under the influence or uses any drug or substance that renders the driver incapable of safely operating a personal vehicle. This does not apply to possession or use of a substance administered by or under the instruction of a qualified medical professional, provided that the medical professional certifies the substance will not affect the safe operation of a personal vehicle. A TNC that is notified by an enforcement official or confirms on its own or through another means that a driver has violated this rule shall immediately disconnect the driver from its digital network pending the results of an investigation.
- (e) A TNC shall have and enforce a policy that a driver shall not operate any personal vehicle if the driver has consumed alcohol within four hours of logging in to the TNC network or is under the influence of alcohol while logged in to the TNC network. A TNC that is notified by an enforcement official or confirms on its own or through another means that a driver has violated this rule shall immediately disconnect the driver from its digital network pending the results of an investigation.
- (f) A TNC shall have and enforce a policy that a driver shall not engage in texting while operating a personal vehicle and the driver is logged in to the TNC network.
- (g) A TNC shall have and enforce a policy that a driver shall not solicit or accept the on-demand summoning of a ride otherwise known as a "street hail."
- (h) A TNC shall have and enforce a policy requiring drivers to display a vehicle marking in or on the personal vehicle while logged in to a TNC's digital network in accordance with the description on file with the Commission.

- (i) No TNC shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.
- (j) No person shall falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record, subject to inspection by the Commission.
- (k) No TNC shall require or permit any driver to log in to its digital network before the vehicle that will be used as a personal vehicle is confirmed to have satisfied the requirements of rule 6714.
- (l) No TNC shall disclose to a third party any personally identifiable information concerning a user of the transportation network company's digital network unless:
 - (I) the transportation network company obtains the user's consent to disclose personally identifiable information;
 - (II) disclosure is necessary to comply with a legal obligation (including compliance with Commission rules); or
 - (III) disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

6724. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

Civil penalty assessments are in addition to any other penalties provided by law.

TNCs are subject to §§ 40-7-112, C.R.S. and 40-7-113 through 40-7-116, for violations of Part 6 of Title 40, C.R.S., or these rules, and may be assessed civil penalties for any such violation.

- (a) \$11,000 per violation.
 - (I) Failure to obtain and keep in force liability insurance that conforms with the requirements of § 40-10.1-604.
- (b) \$10,000 per violation.
 - (I) Violation of paragraph 6723(a).
 - (II) Violation of paragraph 6723(b).
- (c) \$2,500 per violation.
 - (I) Violation of paragraph 6723(i) or (j).
 - (II) Violation of rule 6708.
 - (III) Violation of paragraph 6722(a), (c), (d), (e), or (f).
- (d) \$1,100 per violation.
 - (I) Violation of rule 6713.
 - (II) Violation of the periodic inspection requirements of rule 6714.
 - (III) Violation of rule 6702.

- (IV) Violation of rule 6721.
- (V) Violation of paragraph 6723(c), (d), (e), (g) or (I).
- (e) \$500 per violation up to \$10,000.
 - (I) Violation of rule 6710.
 - (II) Failure to return the completed DVCR as required by subparagraph 6718(c)(III).
 - (III) Violation of paragraph 6722(g).
- (f) \$275 per violation.
 - (I) Violation of rule 6712.
- (g) \$250 per violation.
 - (I) Violation of any rule not specified above.
- (h) Notwithstanding any provision in these rules to the contrary, the Commission may assess a civil penalty of two times the amount or three times the amount, as provided in § 40-7-113, C.R.S.
 - (I) The amounts in paragraphs (a) through (g) shall be two times the specified amount if:
 - (A) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
 - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
 - (C) the conduct occurred within one year after the date of violation in the prior civil penalty assessment notice; and
 - (D) the conduct occurred after the person's receipt of the prior civil penalty assessment notice.
 - (II) The amounts in paragraphs (a) through (g) shall be three times the specified amount if:
 - (A) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;
 - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
 - (C) the conduct occurred within one year after the two most recent prior instances of conduct cited in the prior civil penalty assessment notices; and
 - (D) the conduct occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (i) The civil penalty assessment notice shall contain the maximum penalty amounts prescribed for the violation; the amount of the penalty surcharge pursuant to § 24-34-108(2); and a separate provision for a reduced penalty of 50 percent of the maximum penalty amount if paid within ten days after the civil penalty assessment notice is tendered.

6725. – 6799. [Reserved].

LARGE MARKET TAXICAB SERVICES RULES

6800. Applicability of Large-Market Taxicab Service (LMT) Carriers.

Rules 6800 through 6899 apply to all Large-Market Taxicab Service carriers and to all Commission proceedings and operations concerning Large-Market Taxicab Service (LMT) carriers permit holders, employees, and drivers. (The general rules, the safety rules, and the taxicab service rules also apply to LMT carriers.)

6801. Definitions.

In addition to the definitions in rule 6001, the following definition(s) apply to LMT carriers:

- (a) "Large-Market Taxicab Service" means indiscriminate passenger transportation for compensation in a taxicab on a call-and-demand basis, within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer and Weld, and between those points and all points within the state of Colorado, with the first passenger in the taxicab having exclusive use of the taxicab unless the passenger agrees to multiple loadings.

6802. Operations.

- (a) A Large-Market Taxicab Service carrier must have a minimum number of vehicles in its fleet at all times, as described below:
 - (I) 25 vehicles for operations in the counties of Adams, Arapahoe, Broomfield, Boulder, Denver, Douglas, and Jefferson; and
 - (II) ten vehicles for operations in the counties of El Paso, Larimer, and Weld.

6803. Application.

- (a) A person seeking a permit to operate as a Large-Market Taxicab Service carrier shall:
 - (I) file with the Commission, the prescribed application;
 - (II) cause to be filed the required proof of financial responsibility;
 - (III) file a Schedule of Rates pursuant to the requirements of rule 6805;
 - (IV) pay the annual filing fee;
 - (V) provide proof that each vehicle operated under the permit has been inspected within the preceding twelve months by a qualified mechanic; and
 - (VI) pay or provide proof of previous payment of required vehicle identification fee for each vehicle to be operated.
- (b) A permit is valid for one year from the date of issuance.

6804. Maximum Rates for the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer and Weld.

(a) Maximum Rates

Flag drop \$3.50

Per mile \$2.80

Traffic Delay \$0.40

Waiting time per minute after five mins \$0.50

Additional passenger fee \$1.00

Additional baggage fee after three bags \$1.00

(b) Traffic delay may not be charged while a vehicle is moving at a speed greater than 15 miles per hour.

(c) Waiting time will only be charged for the time in excess of five minutes that the taxicab driver is required to wait for the passenger. The calculation of waiting time begins after the taxicab has arrived at the passenger's point of origin, and the passenger has been contacted by telephone or e-mail and advised the taxicab is at the requested pickup location.

(d) Maximum rates for Large-Market Taxicab Service in the zones identified in paragraph 6255(a) are the rates set forth in paragraphs 6255(c) and (d).

(e) The maximum rate for each passenger in a multiple loading situation shall be no more than 80 percent of the schedule of rates on file with the Commission.

6805. Schedule of Rates, Filing, and Notice.

(a) A Large-Market Taxicab Service carrier shall keep on file with the Commission, at all times, a schedule of rates, charges and collections to be assessed for all transportation services provided by the carrier. Rates must be equal to or below the maximum rates set forth in rule 6804.

(b) Filing a schedule of rates.

(I) Rates must be filed on a Commission prescribed form and all applicable fields must be completed.

(II) The initial schedule of rates shall be submitted with the application.

(III) After the initial schedule of rates is filed, the carrier may change its rates by filing the schedule of rates into the proceeding designated by the Commission to receive such schedules using the Commission's E-Filings System. Carriers shall file the schedule of rates concurrently or prior to the date and time the rate change is implemented.

(IV) All Drivers operating a vehicle under a carrier's Large-Market Taxicab Service permit shall charge the current rate that is on file with the Commission for that carrier in that county.

(V) In the event a rate is changed while Driver is providing a ride to a passenger, the rate in effect when the ride initiated shall apply.

- (c) Carriers shall post the maximum rates in each vehicle operated to provide service.

6806. Revocation of Large-Market Taxicab Service Permits for Failure to Pay Civil Penalty.

When a Motor Carrier operating under a Large-Market Taxicab Service Permit issued pursuant to Part 7 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 24 months after the date of the Permit revocation.

6807. – 6809. [Reserved].

VEHICLE BOOTING RULES

6810. Applicability of Booting Company Rules.

- (a) Rules 6800 through 6899 apply to all vehicle booting companies.
- (b) For the booting of a motor vehicle performed under a written agreement with a municipality, county, or state or federal agency, nothing in these booting rules shall be construed to prohibit such municipality, county, or state or federal agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements.
- (c) No vehicle booting company may engage in booting operations without first having obtained a booting permit from the Commission.
- (d) No vehicle booting company may boot a vehicle on public property without written agreement with a municipality, county, state, or federal agency.
- (e) No vehicle booting company may boot a motor vehicle that is occupied, unless authorized by a law enforcement officer. A vehicle booting company must undertake reasonable efforts under the circumstances to determine whether a motor vehicle is occupied.

6811. Definitions.

In addition to the definitions in rule 6001 and rule 6501, the following definitions apply to vehicle booting companies:

- (a) “Boot or booting” means to place a wheel immobilization device upon a motor vehicle for the purpose of prohibiting the operation of the motor vehicle.
- (b) “Vehicle booting company” means a private corporation, partnership, or sole proprietor in the business of immobilizing a motor vehicle through use of a boot.

6812. Permit Application.

- (a) In addition to completing and filing an application form, a person must:
 - (I) pay an annual application fee;

- (II) cause to be filed with the Commission the required proof of financial responsibility in the form of a Colorado Form GL, General Liability Certificate of Insurance evidencing that the has general liability insurance coverage, or surety bond, providing coverage of not less than \$100,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. All vehicle booting companies shall keep in force such general liability insurance coverage at all times they are engaging in the business of immobilizing motor vehicles through the use of boots; and
- (III) file proof of compliance with worker's compensation insurance coverage in accordance with the "Worker's Compensation Act of Colorado", Articles 40 to 47 of Title 8, of the Colorado Revised Statutes, and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
 - (A) If workers' compensation insurance coverage is required, the vehicle booting company shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a person has proof of workers' compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the person is required to maintain such insurance.
 - (C) If workers' compensation insurance coverage is not required, the vehicle booting company shall cause to be filed:
 - (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers' Compensation Form WC43 including a part B for each Person listed on part A; or
 - (ii) for other vehicle booting companies, a statement that workers' compensation insurance coverage is not required.

6813. Criminal History Checks.

- (a) This rule applies to principals, including without limitation, directors and officers.
 - (I) An application shall be denied, if the applicant has:
 - (A) within the five years preceding the application date been convicted in the state of Colorado of any class 1, 2, or 3 felony under any title of the Colorado Revised Statutes;
 - (B) within the four years preceding the application date been convicted in the State of Colorado, of any class 4, 5, or 6 felony under any title of the Colorado Revised Statutes; or
 - (C) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (B) within the same time periods as listed in subparagraphs (A) through (B).
 - (D) fails to provide additional information requested by Commission staff to make a qualification determination.

- (II) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (III) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks.
- (IV) If a disqualifying criminal history record is found for a person subject to this rule, the applicant may file a petition to qualify the applicant within 60 days of Commission staff's notification.
 - (A) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (B) The applicant shall bear the burden of proving that the Commission should issue a permit.

6814. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all vehicle booting companies shall meet the following minimum requirements.

- (a) A vehicle booting company engaged in booting motor vehicles shall have displayed on each side of the vehicle booting company's vehicle and in plain view, the name of the business, the permit number, and a phone number of the business. The lettering shall be of a size and contrasting color to the vehicle as to be readily legible during daylight hours from a minimum distance of 50 feet, but in no case be less than three inches tall. Information may be removed from vehicles that are not in service (e.g., on a removable magnet).
- (b) A person engaged in booting shall have business identification visibly worn at all times while booting and accepting payment.

6815. Authorization for Booting.

- (a) Vehicle booting company acting as authorized agent for the property owner.
 - (I) A vehicle booting company may act as the authorized agent for the property owner under a written agreement to that effect, provided the agreement is compliant with this paragraph (a). The contract shall contain at least the following information:
 - (A) the name, physical address, telephone number, email address (if applicable), and booting permit number of the vehicle booting company;
 - (B) the name, address, email address (if applicable), and telephone number of the property owner;
 - (C) the address of the property where booting will take place;
 - (D) the name of each individual person who is authorized to sign the authorization to boot;
 - (E) the beginning date and ending date of the contract; no perpetuity to the end date;
 - (F) a statement that "the maximum rates for booting on private property is set by rule of the Public Utilities Commission";

- (G) the printed name, title, phone number, and signature of the person making the contract on behalf of the property owner and on behalf of the vehicle booting company; and
- (H) the date the contract is signed.
- (II) Nothing in this paragraph (a) shall preclude a vehicle booting company, which vehicle booting company has been paid for the booting by the property owner at proper rates, from collecting the booting charges from the motor vehicle owner and reimbursing said charges to the property owner.
- (III) Nothing stated in this rule shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.

6816. Booting Notice/Signage/Invoice.

- (a) Vehicle booting companies shall use and complete all applicable portions of a boot record/invoice form for all booting of vehicles. The boot record/invoice may be maintained electronically or in hard-copy. It shall contain the following information:
 - (I) the serial number of the boot record/invoice;
 - (II) the name, permit number, and telephone number of the vehicle booting company;
 - (III) the date and time of the boot placement and the date and time of the boot removal, as applicable;
 - (IV) the make, model, year, vehicle identification number (if observable), and license plate number (if observable) of the motor vehicle booted;
 - (V) the address where the vehicle was booted;
 - (VI) the initials of the person authorizing the application of the boot;
 - (VII) the name of the owner, authorized operator, or other authorized person to whom the motor vehicle is released when the boot is removed; and
 - (VIII) on at least the customer's copy, the following notice in font size of at least ten:
"Report problems to the Public Utilities Commission at (303) 894-2070."
- (b) The vehicle booting company shall retain the original copy of the boot record/invoice bearing all required original signatures for authorization and release, without regard to whether it is maintained in electronic or multi-copy paper form.
- (c) The vehicle booting company shall deliver a copy of the boot record/invoice to the owner, authorized operator, or authorized agent of the owner of the motor vehicle at the time of the release of the booted motor vehicle or within a reasonable time thereafter.

- (d) A vehicle booting company shall place a warning sign on the driver-side window of a vehicle to be booted or, if window placement is impracticable, in another location on the driver-side of the vehicle prior to the placement of the boot. If the circumstances warrant, the vehicle booting company shall place additional warning sign(s) in different locations on the vehicle to increase the likelihood that a driver will view a warning sign before attempting to drive the booted vehicle. The warning sign shall include the name and telephone number of the company that booted the vehicle, be at least six inches by eight inches, be yellow or orange in color, and state the following:

“WARNING: This vehicle has been booted. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to damage to the vehicle”.

- (e) No more than one vehicle booting company may apply a boot to a vehicle at any given time. If a vehicle booting company applies more than one boot to a vehicle, it may only charge once for the removal of the boots.
- (f) A vehicle booting company may not apply a boot to a motor vehicle unless:
- (I) notice of parking limitations, regulations, restrictions or prohibitions was provided at the time the vehicle was parked; and
 - (II) notice is provided that anyone parking in violation of limitations, regulations, restrictions or prohibitions is subject to being booted at the vehicle owner's expense.
- (g) Notice required by this rule is presumed to be met if:
- (I) a permanent sign is conspicuously posted near each entrance to the parking lot; and
 - (II) if the parking lot is not provided for residential parking and has more than ten free-standing lampposts on the property, a number of signs equal to the number of lampposts must be posted. Such signs must be posted on each lamppost or posted upright in conspicuous locations which are evenly distributed across the parking lot.
- (h) All signs posted to provide notice pursuant to this rule shall comply with any applicable ordinance. To the extent not inconsistent with applicable ordinance, signs shall also at a minimum:
- (I) be no less than one square foot in size;
 - (II) have lettering not less than one inch in height;
 - (III) have lettering that contrasts sharply in color with the background on which the letters are placed;
 - (IV) state the restrictions enforced;
 - (V) include the name and telephone number of vehicle booting company; and
 - (VI) be printed in English.

6817. Rates and Charges.

- (a) Release charge. If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without authorization of the property owner, appears in person to retrieve the motor vehicle prior to the completed installation of a booting device:

- (I) the maximum release charge (prior to completion of boot installation) is the lesser of:
 - (A) \$25; or
 - (B) the amount prescribed by municipal ordinance or agreement with property owner.
 - (II) The vehicle booting company shall halt any booting installation in progress, including preparation thereof at the vehicle, and advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6818. Such advisements shall be provided via delivery of a charge notification card, in addition to any other means desired by the vehicle booting company.
 - (III) If the vehicle booting company does not advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6818 or accept such forms of payment, the vehicle booting company shall not charge or retain any fees or charges for the services it performs. Any money collected must be returned to the owner, authorized operator, or authorized agent of the owner of the motor vehicle.
 - (IV) The release charge is in lieu of the vehicle booting charge and may not be combined.
- (b) The maximum rates are as follows.
- (I) A vehicle booting charge for the removal of the boot shall be no more than \$160 and the vehicle booting company must accept forms of payment under paragraph 6818(a).
 - (II) A vehicle booting company cannot charge additional vehicle booting charges by removing and then reapplying the boot before the booting charge has been paid.
 - (III) Upon payment of the booting charge, the vehicle booting company shall immediately remove the boot.

6818. Release of Motor Vehicle/Removal of Booting Device.

- (a) The vehicle booting company shall immediately accept payment if payment is offered in cash or valid major credit card. The vehicle booting company may accept other forms of payment, but must accept payment by either MasterCard or Visa. The vehicle booting company shall release the motor vehicle to:
 - (I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;
 - (II) the lienholder or agent of the lienholder of the motor vehicle; or
 - (III) the insurance company or agent of the insurance company providing coverage on the vehicle, if released to the insurance company of the owner.
- (b) The vehicle booting company shall be available to release the motor vehicle as provided in paragraph (a) to the owner, authorized operator, or authorized agent of the owner of the motor vehicle either:
 - (I) with 120 minutes notice during all times other than the vehicle booting company's normal business hours; or

- (II) upon demand (but not more than 90 minutes) during the vehicle booting company's normal business hours; and
 - (III) the maximum time allowed may be extended based upon legitimate circumstances beyond the vehicle booting company's control (e.g., road closures or extreme weather conditions).
- (c) The vehicle booting company shall release a vehicle, and remove the boot without charge, to an authorized tow company immediately when evidence is presented that the tow company has authorization to conduct a nonconsensual tow or law enforcement directed tow.

6819. Vehicle Booting Company Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty up to \$1,100.00 for each violation:
- (I) § 40-10.1-801(1)(a), C.R.S.;
 - (II) paragraph (c) of rule 6810; and
 - (III) paragraph (a) of rule 6815.
- (b) A violation of paragraph (a) or (b) of rule 6817 may result in the assessment of a civil penalty up to \$300 for each violation.
- (c) A violation of rule 6818 may result in the assessment of a civil penalty up to \$550.00 for each violation.
- (d) A violation of rule 6814 may result in the assessment of a civil penalty up to \$100.00 for each violation.
- (e) Except as provided in paragraph (a) through (d) of this rule, a violation of any provision of rules 6800 through 6813, may result in the assessment of a civil penalty of up to \$225.00 for each violation.
- (f) Civil penalty assessments are in addition to any other penalties provided by law.

6820. – 6899. [Reserved].

Editor's Notes

History

Rules 6008, 6101, 6103, 6105, 6501, 6507-6510, 6511, 6513 eff. 05/28/2007.

Rules B&P; 6016; 6603 eff. 07/01/2007.

Rules 6000-6015, 6100-6602, 6604-6699 eff. 08/01/2007.

Rules B&P, 6001, 6304-6305, 6307-6312 emer. rules eff. 07/18/2007.

Rules B&P; 6016; 6603 emer. rules eff. 08/17/2007.

Rules 6000-6001, 6004-6009, 6011, 6400-6499 emer. rules eff. 09/11/2007; expired 04/08/2008.

Rules 6001, 6304-6305, 6307-6312 emer. rules eff. 02/13/2008.

Rules 6016, 6603 emer. rules eff. 03/14/2008.

Rules B&P, 6000-6001, 6004-6009, 6011, 6400-6499 eff. 06/30/2008.

Rules 6009, 6016, 6203, 6205, 6603 emer. rules eff. 07/01/2008.
Rules 6000, 6001, 6002, 6006, 6007, 6015-6016, 6105, 6201, 6203, 6205, 6301, 6304-6305, 6307-6312, 6603 eff. 07/30/2008.
Rules B&P, 6015, 6603 emer. rules eff. 07/30/2008.
Rules 6103, 6308 emer. rules eff. 08/15/2008; expired 09/05/2008, 12:01 AM.
Rule 6009 emer. rule expired 01/16/2009.
Rules B&P, 6015, 6603 emer. rules eff. 02/25/2009.
Entire rule eff. 07/30/2009.
Entire rule eff. 10/15/2010.
Entire rule emer. rule eff. 08/10/2011.
Entire rule emer. rule eff. 03/07/2012.
Entire rule eff. 08/01/2012.
Entire rule eff. 02/14/2014.
Rule 6007(a)(l) emer. rule eff. 05/01/2014.
Rules B&P, 6700-6703 emer. rules eff. 07/08/2014; expired 02/03/2015.
Rule 6007(a)(l) eff. 11/14/2014.
Rules B&P, 6700-6703 emer. rules eff. 02/04/2015; expired 08/27/2015.
Rule 6257(d)(l) eff. 11/14/2015.
Rules 6000, 6700-6724 eff. 01/30/2016.
Rules 6500-6514 eff. 07/15/2017.
Rules 6800-6899 emer. rules eff. 10/29/2018; expired 05/27/2019.
Rules B&P, 6000-6399 eff. 05/15/2019.
Rules 6800-6899 eff. 08/14/2019.
Rules 6810-6818 emer. rules eff. 01/01/2020; expired 07/27/2020.
Rule 6511 emer. rule eff. 04/02/2020; expired 10/29/2020.
Rules 6810-6819 eff. 10/15/2020.
Rules 6500-6599 eff. 02/14/2021.
Rule 6511 eff. 10/30/2021.
Rules B&P, 6000, 6001, 6003, 6009, 6010, 6015, 6018, 6020, 6110, 6117, 6301, 6302, 6305, 6708, 6710, 6713, 6716 eff. 03/02/2022.
Rule 6511 eff. 04/30/2022.

Annotations

Rules 6015.(d) and 6015.(i) (adopted 06/18/2009) were not extended by Senate Bill 10-060 and therefore expired 05/15/2010.