

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose of these rules is to regulate common carriers of passengers by motor vehicle for hire subject to article 10, title 40, C.R.S. Specifically, these rules give guidance to common carriers with respect to transfers, extensions, and revocations of, and applications for certificates of public convenience and necessity. The rules also establish requirements with respect to vehicle identification, vehicle condition, leasing, insurance, and time schedules. Moreover, the rules set forth the operating characteristics of taxi service, including record keeping, service standards, and flat rates to and from Denver International Airport. Finally, the rules contain civil penalty provisions applicable to common carriers of passengers by motor vehicles for hire.

The statutory authority for these rules is found at §§ 40-2-208, 40-2-110.5, 40-5-105, 40-7-112, through 116, 40-10-105, 40-10-16, and 40-10-110, C.R.S.

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RULE (4 CCR) 723-31-1. APPLICATION OF RULES AND REGULATIONS.

723-31-1.1 These rules apply to motor vehicle carriers of persons, as defined in §, 40-10-101(4)(a), C.R.S. All motor vehicle carriers shall comply with these rules and all applicable statutes and laws of the State of Colorado.

723-31-1.2 Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any certificate issued to any carrier.

723-31-1.3 Carriers shall abide by the Commission's Rules of Practice and Procedure found at 4 CCR 723-1 and the Commission's Motor Vehicle Carrier Safety Regulations found at 4 CCR 723-15.

723-31-1.4 Form E and Form K, referred to in Rule 723-31-12, are appended to these rules as Appendix A and Appendix B, respectively.

RULE (4 CCR) 723-31-2. DEFINITIONS.

When used in these rules or in a certificate of public convenience and necessity, the following shall have meanings as stated:

723-31-2.1 Carrier means either a common carrier or a contract carrier as defined herein.

723-31-2.2 Certificate means a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

723-31-2.3 Common carrier means a motor vehicle carrier as defined herein.

723-31-2.4 Contract carrier means a contract carrier by motor vehicle as defined in § 40-11-101(3), C.R.S.

723-31-2.5 Letter of authority means a document issued by the Commission to a carrier which specifies the type of service, the area of authorized service, and the restrictions applied against the certificate.

723-31-2.6 Management agreement means a contract or agreement that transfers operational control of the certificate

723-31-2.7 Motor vehicle carrier means a motor vehicle carrier as defined in § 40-10-101 (4) (a), C.R.S.

723-31-2.8 On call-and-demand means the transportation of passengers not on schedule. Specific types of call-and-demand transportation include:

723-31-2.8.1 Charter service means transportation of a charter party in a vehicle of less than 32 passengers capacity. Charter party means a person or group of persons who are traveling together pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, having acquired the exclusive use of the vehicle.

723-31-2.8.2 Limousine service means the transportation of passengers charged at a per person rate, and the use of the vehicle is not exclusive to any individual or group.

723-31-2.8.3 Sightseeing service means the transportation of passengers for the sole purpose of viewing or visiting places of natural, historic, or scenic interest, and the transportation originates and terminates at the same point.

723-31-2.8.4 Taxi service means passenger transportation by taxicab as defined herein.

723-31-2.9 On schedule means the transportation of passengers between fixed points and over designated routes at established times as specified in the carrier's time schedule as filed with and approved by the Commission.

723-31-2.10 Permit means an operating authority issued by the Commission under § 40-11-103, C.R.S.

723-31-2.11 Person means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity.

723-31-2.12 Taxicab means a passenger-carrying vehicle, with a maximum seating capacity of seven passengers plus the driver, operating on a call-and-demand basis. The first passenger shall have exclusive use of the vehicle unless he or she agrees to multiple loading.

723-31-2.13 Type of service means charter, limousine, sightseeing, taxi, or scheduled service as defined herein.

723-31-2.14 Vehicle means a motor vehicle as defined in § 40-10-101 (3), C.R.S.

RULE (4 CCR) 723-31-3. TRANSFER, CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL.

723-31-3.1 No motor vehicle carrier shall transfer or encumber its certificate, or any part thereof, without first having received a Commission order authorizing it to do so. Every such transfer or encumbrance made without the prior approval of the Commission shall be void.

723-31-3.1.1 Except as set forth herein, the term "transfer" refers to all transactions (including, without limitation, the sale, lease or assignment of a certificate by its holder or pursuant to a court order; the execution of a management agreement; the merger, consolidation or change in Ownership of an entity holding a certificate; the foreclosure of an encumbrance on a certificate; or the execution on a certificate in satisfaction of any judgment or claim whereby operational control of a certificate changes from one person to another. For the purpose of Rule 723-31-3, the term "transfer" does not refer to a management agreement between a certificate holder and (a) its employee(s); or (b) a person(s) who controls or is controlled by the certificate holder.

723-31-3.1.2 The term "encumbrance" refers to all transactions which create a security interest, mortgage, deed of trust, or other similar right or interest, by act or deed or by operation of law, in a certificate.

723-31-3.1.3 Except with regard to foreclosures of encumbrances, executions in satisfaction of a judgment or claim, and transfers pursuant to a court order, only the owners, of a certificate as shown in the official records of the Commission may transfer the certificate.

723-31-3.2 [RESERVED FOR FUTURE USE]

723-31-3.3 In any proceeding involving the transfer of a certificate by means of foreclosure on an encumbrance, by execution in satisfaction of any judgment or claim, or pursuant to a court order, the party seeking transfer shall obtain the certificate holder's consent to transfer, or in lieu thereof, a judicial order authorizing the unilateral transfer of the certificate; and, further, shall join the certificate holder, if available, as a party applicant to the transfer proceeding. The fact that the Commission has previously approved an encumbrance on a certificate is not an indication that that a subsequent transfer of the certificate within the meaning of Rule 723-31-3 has been authorized.

723-31-3.4 whenever a carrier files for protection under Chapter 11 or Chapter 13 of the Federal Bankruptcy Code, it shall notify the Commission in writing. Every six months thereafter, the carrier shall file with the Commission a status report of the bankruptcy proceeding.

723-31-3.5 An application for transfer of a certificate shall contain all the information required by Rule No. 50(g) of the Commission's Rules of Practice and Procedure. Applicants for a transfer must further establish that:

723-31-3.5.1 The transferee will engage in bona fide common carrier operations under the certificate.

723-31-3.5.2 The transferor of a certificate has been engaged in, and now is engaged in, bona

vide common carrier operations under its certificate; and, further, that neither the certificate nor any part thereof has been abandoned or allowed to become dormant.

723-31-3.5.3 All rights held under each certificate are sought to be transferred or that a split of the certificate is in the public interest.

723-31-3.5.4 The transfer will not result in the common control or ownership of duplicating or overlapping operating rights, unless it is agreed by the parties that the Commission. may cancel any overlapping or duplicating operating rights, or unless the Commission finds that the duplication or overlap is in the public interest or is immaterial. The term operating rights applies to both common carrier certificates and contract carrier permits.

723-31-3.6 The transferor must. not cancel its insurance, surety bond, tariffs, or time schedules on file with the Commission until the Commission has approved the transfer and until the transferee has filed all documents in its own name. If the Commission grants temporary approval for the operation of a certificate, the transferor may cancel its insurance when the transferee files acceptable proof of insurance, files all other required documents, and the Commission has advised the transferee that it is authorized to begin operations.

723-31-3.7 The transferee shall not begin operations until after the Commission has approved the transfer, all necessary documents have been filed with the Commission, and the Commission has advised the transferee that it is authorized to begin operations.

723-31-3.8 When a transfer is authorized by the Commission, the transferee shall file an appropriate tariff adoption notice whereby the tariff of rates, rules, and regulations of the transferor shall become and remain those of the transferee until changed according to law and rules and regulations of the Commission. The transferee shall file certificates of insurance as required by Commission rules and pay the issuance fee and annual vehicle identification fee. The transferor and transferee shall file an acceptance of transfer, signed by both parties, accepting the terms and conditions of the order authorizing the transfer, which acceptance must contain a statement to the effect that the transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

RULE (4 CCR) 723-31-4. APPLICATION FOR A CERTIFICATE.

A certificate of public convenience and necessity shall not be granted or extended if, as a result of the grant or extension, the carrier obtains ownership of duplicating or overlapping operating rights. The term operating rights applies to both common carrier certificates and contract carrier permits.

For the purposes of this rule and Rule 723-31-3.5.4 of these rules, overlap and duplication exists when transportation in the same type of service as defined in Rules 723-31-2.8 and 2.9 is authorized between the same points under two or more separate operating rights which are held by the same carrier. Scheduled service shall not be deemed to overlap and duplicate call-and-demand service.

RULE (4 CCR) 723-31-5. EXTENSION OF CERTIFICATE PROHIBITED.

723-31-5.1 No carrier shall extend, or in any manner enlarge, diminish, change, alter, or vary the territory, route or routes, or the service authorized by its certificate, or serve any point not included in its certificate until authorized by the Commission.

723-31-5.2 No carrier may combine the authority granted in one certificate with the authority granted in another certificate to render a transportation service not authorized by either individual certificate, unless authorized by the Commission.

723-31-5.3 No carrier shall file a tariff or time schedule whose applicability or scope violates this rule.

RULE (4 CCR) 723-31-6. REVOCATION, SUSPENSION, ALTERATION, OR AMENDMENT OF CERTIFICATE.

723-31-6.1 After a hearing upon at least ten days' notice to the common carrier affected, a certificate may be revoked, suspended, altered, or amended by the Commission, for any of the following reasons:

723-31-6.1.1 Violation of or failure to comply with any statutory enactments concerning carriers.

723-31-6.1.2 Violation of or failure to comply with the terms and conditions of the certificate.

723-31-6.1.3 Exceeding the authority granted in the certificate.

723-31-6.1.4 Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.

723-31-6.2 Voluntary suspensions may be granted without hearing by the Commission on application, upon terms and conditions as the Commission deems proper.

723-31-6.2.1 No certificate may be suspended for more than 12 consecutive months, unless otherwise authorized by the Commission.

723-31-6.2.2 No certificate may be suspended for more than 12 months in any 24-month period, unless otherwise authorized by the Commission.'

723-31-6.2.3 No certificate with a seasonal restriction may be suspended for two consecutive seasons, unless otherwise authorized by the Commission.

723-31-6.2.4 An applicant requesting suspension for a longer period than authorized by this rule shall be required to prove that the suspension is in the public interest and that alternative service will be available during the period of suspension.

RULE (4 CCR) 723-31-7. ABANDONMENT OR SUSPENSION OF OPERATION.

723-31-7.1 No carrier shall abandon or suspend operations under its certificate without filing a written application to the Commission submitting reasons for the abandonment or suspension and securing' an order from the Commission authorizing the abandonment or suspension. Applications for abandonment or suspension may be set for hearing, depending upon the interventions received and the circumstances involved.

723-31-7.2 No carrier operating under a temporary authority shall abandon or suspend operations without filing a written motion to the Commission showing good cause for the abandonment or suspension and securing an order from the Commission authorizing the abandonment or suspension.

RULE (4 CCR) 723-31-8. EXTERNAL IDENTIFICATION OF VEHICLES.

723-31-8.1 Every vehicle operated by a carrier shall be marked in the following manner:

723-31-8.1.1 Name or trade name of the carrier as set forth in its certificate;

723-31-8.1.2 A city or community in which the carrier maintains an office or terminal facility.

723-31-8.1.3 The number of the certificate issued to the carrier preceded by the letters CO PUC;

723-31-8.1.4 The marking shall be in numbers and letters that contrast sharply in color with the background on which the numbers and letters are placed;

723-31-8.1.5 The marking shall be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary;

723-31-8.1.6 The marking shall appear on both sides of the vehicle.

723-31-8.2 Vehicles having a seating capacity of less than eleven, including the driver, may meet the requirements of Rule 723-31-3.1 by affixing the marking required by Rule 723-31-3.1.3 to both the front and rear of the vehicle in the manner required by Rules 723-31-8.1.4 and 723-31-8.1.5.

723-31-8.3 All markings shall be removed from any vehicle which has been permanently withdrawn from service.

RULE (4 CCR) 723-31-9. VEHICLES.

723-31-9.1 A carrier shall either own the vehicles operated under its certificate or lease the vehicles in accordance with these rules.

723-31-9.2 Except as provided for in Rule 723-31-21.2 of these rules, no carrier shall lease or rent its vehicles or otherwise transfer control of, or the responsibility for their operation to, any person not a carrier by motor vehicle for hire.

723-31-9.3 A carrier permitting a person to operate vehicles under its certificate, either with or without authorization by the Commission, shall be responsible for any violations of the public utilities laws or the rules and regulations of the Commission committed by the operator.

723-31-9.4 Vehicle Identification Stamps.

723-31-9.4.1 Before the first day of January of each calendar year, every carrier shall apply to the Commission for the issuance of a vehicle identification stamp for each vehicle which the carrier owns, controls, operates, or manages within the State of Colorado.

723-31-9.4.2 The vehicle identification stamps shall be valid for the calendar year for which they are purchased.

723-31-9.4.3 Vehicle identification stamps for carriers obtaining new authority, or acquiring new or additional vehicles during the year may be obtained at any time during the year.

723-31-9.4.4 The vehicle identification stamps shall be affixed to the inside, lower, right-hand corner of the windshield of each vehicle.

RULE (4 CCR) 723-31-10. LEASING OF VEHICLES.

723-31-10.1 Except as provided for in § 40-11.5-101 and § 40-11.5-102, C.R.S., no carrier shall lease or rent vehicles to be used under its certificate except in accordance with these rules.

723-31-10.2 All leases shall be in writing on a form supplied by the Commission.

723-31-10.3 All leases shall be signed by the lessor (owner of the vehicle) and the lessee (certificate holder). All leases shall contain at least the date of the agreement; names of the lessor and lessee; the make, year, and vehicle identification number; and specify the period of time for which they are to be in effect and the consideration to be paid by the lessee.

723-31-10.4 A copy of the lease shall be carried in the leased vehicle during the time that the lease is effective. A copy of the lease shall be maintained in the carrier's files during the time that the lease is effective and for six months after the vehicle leaves the carrier's control.

723-31-10.5 During the existence of the lease, the lessee shall have full discretion and complete control of the leased vehicle and will be fully responsible for its operation, in accordance with applicable laws and regulations, as if the lessee were the owner. This includes, but is not limited to, compliance with marking requirements, safety of the vehicle and its equipment and accessories, and all required public liability insurance coverage.

723-31-10.6 Nothing in Rule 723-31-10 shall be construed to make an independent contractor an employee of the lessee.

723-31-10.7 Nothing in Rule 723-31-10 shall be construed to preclude a lessor and lessee from additionally using a more comprehensive form of lease supplementing the form of lease required by Rule 723-31-10. Any such comprehensive form of lease shall not contain provisions which conflict with the provisions contained in the Commission's form of lease. Any such supplementary comprehensive form of lease shall not be filed with the Commission, but shall be kept available for inspection by the Commission.

RULE (4 CCR) 723-31-11. LETTER OF AUTHORITY.

The carrier shall obtain an original letter of authority from the Commission. Copies of it shall be made by the carrier and placed in each vehicle.

RULE (4 CCR) 723-31-12. EVIDENCE OF PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE.

723-31-12.1 Every carrier shall obtain and keep in force at all times Public Liability and Property Damage Insurance or a surety bond providing similar coverage issued by an insurance company or surety company authorized to do business in the State of Colorado, which shall not be less than the minimum limits set forth in this rule, with schedules and endorsements as required by the Commission, covering all vehicles which may be operated by or for, or which may be under the control of the carrier. This coverage shall be accomplished by a "Waiver of Description" endorsement on each policy.

723-31-12.2 The insurance coverage required by Rule 723-31-12.1 shall provide for the payment of benefits by the insurer(s) directly to parties damaged by the motor vehicle carrier on a "first dollar/dollar one" basis. If this insurance coverage contains a retained risk provision, that provision shall obligate the insurer(s) to pay the party damaged by the motor vehicle carrier regardless of the level of funds in the retained risk pool. Under no circumstances shall an insurance policy executed to comply with Rule 723-31-12.1 permit a motor vehicle carrier to pay benefits directly to a party damaged by that motor vehicle carrier. The provisions of this Rule 723-31-12.2 shall not apply to motor vehicle carriers who are self-insured under the provisions of Rule 723-31-12.5.

723-31-12.3 The carrier shall cause to be filed with the Commission, in lieu of the original policy, a Form E uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, ' executed by a duly authorized agent of the insurer. The original policy is to be retained by the carrier and kept available for inspection by any authorized representative of the Commission.

723-31-12.3.1 All insurance coverage must be filed with the exact name, initials, corporate and trade name (if any), and address as shown in the application or records of the Commission.

723-31-12.3.2 Subsequent name or policy number changes shall be reflected by the insurer filing an endorsement.

723-31-12.4 The minimum insurance limits of combined single limit liability (CSL) for this rule are as follows:

Schedule Of Minimum

Liability Limits	Amounts
Passenger carriers using vehicles with:	
Seating capacity of 7 passengers or less	\$500,00
Seating capacity of 8 through 15 passengers	\$1,000,000
Seating capacity of 15 through 31 passengers	\$1,500,000
Seating capacity of 32 passengers or more	\$5,000,000

For the purpose of this rule, "seating capacity" is defined as the number of adult passengers that may be comfortably seated within the motor vehicle, and does not include the driver.

723-31-12.5 Motor vehicle carriers obtaining a Certificate of Self-Insurance under the provisions of § 10-4-716, C.R.S., shall file a copy of the Certificate with the Commission. Upon renewal of the certificate, the most current certificate shall be filed. Motor vehicle carriers holding valid Certificates of Self-Insurance may obtain insurance policies which contain self-insured retention provisions up to an amount not to exceed \$65,000 without seeking a waiver of these rules.

723-31-12.6 Every insurance certificate required by and filed with the Commission shall be kept in full force and effect, unless and until canceled by a 30-day written notice, on Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, from the insurer to the Commission, which time shall run from the date the notice is received by the Commission and the certificate shall contain a statement to this effect.

723-31-12.7 Summary Suspension and Notice of Show Cause Proceedings.

723-31-12.7.1 Whenever the Commission records indicate that a motor vehicle carrier's liability insurance is canceled, and there is no proof on file with the Commission indicating replacement coverage, the carrier's authority will be summarily suspended until the Commission receives proper proof of new coverage as required by Commission rules, or until the carrier's authority is revoked pursuant to the Commission's show cause procedures.

723-31-12.7.1.1 A carrier receiving notice of summary suspension shall not conduct operations under its authority or permit until proper proof of insurance is filed with the Commission.

723-31-12.7.1.2 When proper proof of insurance is received by the Commission, the summary suspension will be lifted without further order of the Commission.

723-31-12.7.2 The Director of the Commission shall send a notice of show cause proceedings to a motor vehicle carrier that fails to maintain proper proof of insurance as required by Commission rules. The notice shall advise the carrier that its authority to operate is summarily suspended.

RULE (4 CCR) 723-31-13. TIME SCHEDULES.

723-31-13.1 All common carriers holding certificates which provide for transportation service or schedule shall file time schedules with the Commission in the manner set forth in the Commission's Rules of Practice and Procedure.

723-31-13.1.1 Time schedules shall contain one or more lists (schedules) of all points served in regular route (geographical) order, showing the times of arrival at and departure from all terminals, the times of departure from intermediate points, and the days of the week on which each schedule is operated. Time schedules shall also contain a list of addresses of every stop, station, depot, terminal, and/or other point served where passengers may regularly board and/or leave passenger vehicles.

723-31-13.2 Time schedules as filed with the Commission and posted for the information of the public must be adhered to. All interruptions of regular service shall be promptly communicated to the public along the route, and, where such interruptions are liable to continue for more than twenty-four hours, shall be promptly reported, in writing, to the Commission with a full statement of the cause of the interruption and its probable duration.

723-31-13.3 Scheduled carriers desiring to change time schedules shall follow the procedure set forth in Rule No. 31 of the Commission's Rules of Practice and Procedure.

RULE (4 CCR) 723-31-14. POSTING OF TARIFFS AND TIME SCHEDULES.

A copy of each tariff and time schedule shall be open to inspection by the public at all reasonable times at each office or terminal of the common carrier at which business is transacted with the public, and must also be posted for information of the public in each waiting room at stations where passenger tickets are sold.

RULE (4 CCR) 723-31-15. DRIVER SERVICE.

Every common carrier shall ensure that its drivers provide each of its passengers with courteous service which promotes the passenger's comfort and convenience. Discourteous service by a driver includes, but is not limited to, instances involving profanity, the threat of physical action toward a passenger, and the making of sexual remarks or derogatory racial remarks. Passenger conduct, especially if it is unlawful, disorderly, or endangers others, is a factor in a determination of whether a driver acted discourteously.

RULE (4 CCR) 723-31-16. USE OF VEHICLES CERTIFIED AS LUXURY LIMOUSINES.

723-31-16.1 The provisions of Rule 723-31-16 shall apply to persons who provide common carrier service under their certificate(s) and who provide luxury limousine service pursuant to § 40-16-103, C.R.S., with dual use vehicles. For purposes of Rule 723-31-16, the terms "luxury limousine" and "luxury limousine service" shall have the same meaning as set forth in §§ 40-16-101(3) (a) and 40-16-101(3.3), C.R.S.; "dual use vehicle" shall mean a specific vehicle used by a person to provide both common carrier service under the person's certificate (s) and luxury limousine service under the person's registration pursuant to § 40-16-103, C.R.S.; and "notice" shall mean the notice required by 723-31-16.2.

723-31-16.2 No person may use a dual use vehicle to provide luxury limousine service under its registration unless it has provided the Commission advance written notice of its intent to do so. Such notice shall be on a form supplied by the Commission and shall: (a) identify the motor vehicle carrier; (b) identify the person's certificate number(s) and luxury limousine registration number; (c) identify by make, model, license number and vehicle identification number the dual use vehicle(s) to be operated in providing luxury limousine service; (d) identify the date(s) and time(s) of day the dual use vehicle(s) will begin to be so operated; and (e) the customer's name for each specified date and time.

723-31-16.3 All transportation services conducted by a person with dual use vehicles in the absence of Commission receipt of the notice, or prior to the time set forth in such notice, shall be presumed to be common carrier services provided pursuant to the person's certificates. All transportation services conducted by a person with dual use vehicles at the time and for the customer designated in the notice shall be presumed to be luxury limousine service provided pursuant: to that person's registration.

723-31-16.4 The notice shall not be effective until received by the Commission. Notice to the Commission may be accomplished by U.S. Mail, hand delivery, facsimile transmission, or email. Notices transmitted via facsimile will be deemed received by the Commission on the date and at the time, if any, imprinted on the notice by the sender's facsimile equipment. In the event the sender's facsimile equipment does not imprint such a date and time on the notice, or if the date and time of receipt shown by the Commission's facsimile equipment is different than that shown on the notice transmitted by the sender, the date and time of receipt shown by the Commission's facsimile equipment shall be conclusive.

723-31-16.5 A copy of the notice showing the date and time it was received by the Commission shall be carried in the dual use vehicle (s) designated in the notice during the time such dual use vehicle (s) is being used to provide luxury limousine service as specified in the notice.

723-31-16.6 The notice shall terminate: (a) at such time as the luxury limousine service to the customer named in the notice is terminated; or (b) prior to such date and time by written notice provided to the Commission in the same manner as provided in Rule 723-31-16.4.

[RULE NUMBERS (4 CCR) 723-31-17 THROUGH 723-31-20 ARE RESERVED FOR FUTURE USE.]

RULE (4 CCR) 723-31-21. APPLICATION OF RULES FOR TAXICABS.

723-31-21.1 Rules 723-31-21 through 723-31-26 apply to all common carriers by motor vehicle operating for hire as taxicabs, except as otherwise provided.

723-31-21.2 Taxicab carriers are exempt from the provisions of Rule 723-31-9.2 of these rules.

RULE (4 CCR) 723-31-22. NOTICES.

723-31-22.1 Notice means a sign 'of not less than five inches by eight inches upon which the notice has been printed or typewritten in letters of not less than 18 point size or typed in all upper-case letters.

723-31-22.2 Notices required by Rules 723-31-22.3 and 723-31-23.1.4 shall be placed on the inside of the left rear door window.

723-31-22.3 Each taxicab company shall post a notice of its applicable fares in a prominent place and in readable type in each vehicle it operates. If the company uses meters only, the notice shall be in the form shown in Appendix C; if the company uses odometers only, the notice shall be in the form shown in Appendix D; and if the company uses both meters and odometers (for example, meters in town and odometers for out-of-town trips), both notices shall be posted.

723-31-22.4 The cab number assigned to each vehicle and the name of the driver shall be prominently displayed and easily readable at all times by all passengers in the interior of each vehicle. The driver's herdic license may be used to meet this rule's requirement to display the driver's name.

RULE (4 CCR) 723-31-23. OPERATIONS.

723-31-23.1 Multiple loading.

723-31-23.1.1 Multiple loading means individuals or parties, not traveling together, who agree to share a cab to destinations in the same area or along the same route, from a common origin. (Multiple loading, when radio dispatched, may be initiated from other than points of common origin.)

723-31-23.1.2 Multiple loading of passengers is prohibited except in cases where the first passenger engaging the taxicab agrees to multiple loading.

723-31-23.1.3 Every taxicab carrier shall publish reduced fares in its tariff which shall be applicable to

passengers riding under a multiple-load arrangement.

723-31-23.1.4 Each taxicab carrier shall post a notice in each taxicab reading:

THE DRIVER OF THIS VEHICLE MUST HAVE THE PERMISSION OF THE FIRST PASSENGER TO LOAD OTHER PASSENGERS. IF YOU AGREE TO MULTIPLE LOADING YOU ARE ENTITLED TO A REDUCED FARE.

723-31-23.2 Routing. Passenger movement shall be by the shortest possible route between the origin and destination, provided, however, that a passenger, having first been advised of the extent of deviation from the shortest possible route, may agree to an alternate route or designate the route he or she wishes to travel.

723-31-23.3 Refusal of Service. No operator or driver of any taxicab shall refuse to transport any passenger upon request unless the proposed passenger is acting in an unlawful, disorderly, or endangering manner or there is a previous commitment of the taxicab equipment, provided that any operator or driver need not transport a person who is unable to take care of himself or herself unless in the charge of a responsible companion or attendant. Refusal to transport any passenger upon request, except when there is a previous commitment of the taxicab equipment, shall be reported by the operator or driver to the dispatcher immediately.

723-31-23.4 Quality of Service. Pickups from a service address within a 10-mile radius of the taxicab carrier's terminal from which the call was dispatched shall be provided within 30 minutes from the time service was requested. The carrier shall give an estimated time of pickup. For pickups from a service address outside a 10-mile radius of the carrier's terminal from which the call was dispatched, 3 minutes for each additional mile shall be allowed. Delays in service caused by inclement weather, traffic congestion or other circumstances beyond the control of the carrier are excusable. However, a customer who has left a telephone number shall be notified of any delay in the estimated pickup time exceeding 10 minutes.

RULE (4 CCR) 723-31-24. RECORD KEEPING.

723-31-24.1 The taxicab carrier shall maintain the following data on all trips:

723-31-24.1.1 Cab number.

723-31-24.1.2 Name of driver.

723-31-24.1.3 Date and time of customer request for service.

723-31-24.1.4 Date and time of customer pickup.

723-31-24.1.5 Address of customer pickup.

723-31-24.1.6 Address of customer destination.

723-31-24.2 The trip data shall be retained by the taxicab carrier for a minimum of one year.

RULE (4 CCR) 723-31-25. TAXICAB COMPANIES IN COUNTIES WITH POPULATIONS OF SIXTY THOUSAND OR MORE.

723-31-25.1 Application of Rule. This rule applies to persons or companies who hold a certificate of public convenience and necessity to provide taxicab service by motor vehicle within any Colorado county having a population of sixty thousand or greater, based on the federal census conducted in 1990.

723-31-25.2 Communication and Dispatch Service. Taxicab companies shall obtain and advertise a central telephone number by which the public may call and request service. In addition, companies 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 vehicles in the fleet at the same time. The purpose of said system is to ensure that vehicles are timely dispatched to all requests for service and to allow taxicabs to request assistance in emergencies. New companies receiving authorization to become taxicab companies may have 12 months from the time the certificate is issued to comply with the requirements of this rule. To qualify for the 12 month delay, a new taxicab company shall file with the Commission a plan of compliance within 30 days after the certificate is issued. Said plan shall include the details and time frames of how the company intends to comply with the requirements of the rule.

723-31-25.3 Hours of Service. Taxicab companies shall be available to respond to requests for service 24 hours per day, every day of the year.

723-31-25.4 Size of Fleet. Taxicab companies, holding a certificate of public convenience and necessity which authorizes service in a base area that has a population of at least 250,000 people shall, at all times, employ a fleet of vehicles large enough to ensure that, at any given time, the company is capable of deploying at least 15 taxicabs to provide service to the public.

The purpose of this rule is to ensure delivery of timely service to the public. For the purposes of this rule, base area means a geographic area in which a taxicab company can provide point-to-point service.

723-31-25.5 Age of Vehicles. Taxicab vehicles shall be no older than six model years as of July 1st of each year. For the purposes of this rule, model years shall be counted from the present calendar year and shall include the present calendar year and the five previous calendar years. Vehicles equipped with ramps, lifts or other devices to facilitate the loading, unloading, and transportation of individuals with disabilities are exempt from the provisions of this Rule 723-31-25.5.

Vehicles that are older than six model years but not more than ten model years, may be exempted from this rule. To qualify for the exemption, the vehicle, at the time of its periodic inspection, must be in outstanding physical condition in the opinion of the Commission's safety inspector. The Commission's safety inspectors shall use the following general guidelines in determining if a vehicle is in outstanding physical condition:

723-31-25.5.1 The body of the vehicle has a good, unfaded paint job, and is devoid of dents, rust, missing or broken chrome, and broken or cracked lenses or glass; and

723-31-25.5.2 The interior of the vehicle is clean, except for problems caused by current weather conditions, free of offensive odors, and has no tears, cracks, or major stains upon the upholstery, headliner, and carpeting; and

723-31-25.5.3 Is in sound mechanical condition with no safety defects.

723-31-25.6 Alternative Fuels. All taxicab Companies shall comply with state, federal, and local statutes and regulations regarding clean fuel and alternative fuel requirements.

723-31-25.7 Periodic Safety Inspection. Each taxicab company shall make its vehicles available to the Commission at least once per year for a vehicle safety inspection to be conducted pursuant to the safety rules adopted by the Commission. Vehicles placed out of service, as a result of the inspection, shall not be returned to service until all of the out of service defects are corrected and the company certifies to the Commission that all such defects have been corrected. To ensure compliance with this rule, Commission inspectors may perform spot checks of the vehicles certified as corrected.

RULE (4 CCR) 723-31-26. FLAT RATES TO AMD FROM DENVER INTERNATIONAL AIRPORT.

723-31-26.1 Application of Rule.

This Rule 723-31-26 applies to any taxicab company whose certificate of public convenience and necessity includes any portion of the zones described in Rule 723-31-26.8. This Rule shall not apply to that part of a taxicab company that is operating a superior form of taxicab service by virtue of the vehicle utilized by that company and which service has been recognized as a superior service by the Commission by granting to that company a tariff higher for that service than the company's normal taxicab tariff. In the case of an application for a new certificate of public convenience and necessity by a presently non-existent taxicab company to provide such superior service with high-cost vehicles of the nature described herein, that applicant shall be given the right to apply for an exemption from the application of these rules to that part of applicant's taxicab operation utilizing that type of equipment.

723-31-26.2 Definitions.

723-31-26.2.1 Flat Rate: A flat rate is a fixed charge for the use of a taxicab, regardless of the number of passengers being transported or whether the passengers are traveling together, between Denver International Airport ("DIA") and one of the zones described in these rules.

723-31-26.2.2 Fare: The fare is the maximum taxicab company tariff meter rate in effect from time to time applied to the distance between DIA and a centrally located point in each of the zones described in Rule 723-31-26.5.

723-31-26.3 Requirements of Service. A flat rate service shall be the only authorized taxicab service between the zones described in this rule and DIA. The driver shall inform passengers of the total charge prior to commencing the trip.

723-31-26.4 Tariff Rates.

723-31-26.4.1 The flat rate for service between DIA and each zone named in this rule shall be the rate for each taxicab company subject to this rule. The flat rate shall not involve the use of a meter, and passengers shall not be charged waiting time/traffic delay. Any airport fees or charges shall be included in the flat rate. The flat rate applicable to each zone shall be calculated in conformance with the methodology prescribed in Rule 723-31-26.5.

723-31-26.4.2 The flat rate from DIA may be increased by \$5.00 for each additional drop within a zone.

723-31-26.4.3 Within ten days of the effective date of this rule, each taxicab company subject to this rule shall file tariffs to be effective on one day's notice which set forth the initial flat rates established by this rule between the zones and DIA. If a drop charge is to be assessed, it must be reflected in the tariff.

723-31-26.4.4 Subsequent to the effective date of this rule, within 10 days of Commission approval of an increase or decrease in the maximum tariff meter rates in effect among all of the taxicab companies subject to the rule, each taxicab company subject to this rule shall file recalculated proposed tariffs, to be effective 40 days from the date of approval of the meter rate change, which set forth the flat rates between DIA and the zones described in this rule.

723-31-26.5 Methodology of Calculation of Flat Rates.

723-31-26.5.1 The flat rates shall be calculated for each zone using the following methodology. The highest meter rate in effect among the taxicab companies subject to this rule shall be multiplied by the distance between DIA and a centrally located point in each zone. The resulting total shall be increased by 6% and then rounded to the nearest dollar to determine the flat rates from Zones A, B, and C to DIA. The

respective flat rates from DIA to Zones A, B, and C shall be the same, but the airport gate fee shall be added to arrive at the fare. The distances between DIA and the zones shall be measured by the Commission along the following routes:

Zone A: Beginning at the taxi loading zone on the west side of level 5 at DIA, then existing DIA by proceeding west on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Brighton Boulevard, then southwest on Brighton Boulevard to its intersection with Broadway, then south on Broadway to its intersection with Tremont Street, then right on Tremont Street to the Brown Palace Hotel for a total distance of 24.2 miles.

Zone B: Beginning at the taxi loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Interstate 225, then south on Interstate 225 to its intersection with Yosemite Street, then south on Yosemite Street to its intersection with Orchard Road for a total distance of 26.3 miles.

Zone C: Beginning at the taxi loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Interstate 270, then north on Interstate 270 to its intersection with Interstate 76, then west on Interstate 76 to its intersection with Interstate 25, then north on Interstate 25 to its intersection with U.S. Highway 36, then north on U.S. 36 to its intersection with Arapahoe Road in Boulder for a total distance of 44 miles.

723-31-26.6 Prescription of Initial Flat Rates.

723-31-26.6.1 Zone A. The initial flat rate from DIA to Zone A shall be \$45.50 (\$43.00 (meter) plus \$2.50 (airport gate fee)), plus an additional per drop charge of \$5.00, if applicable. The initial flat rate from Zone A to DIA shall be \$43.00.

723-31-26.6.2 Zone B. The initial flat rate from DIA to Zone B shall be \$47.50 (\$45.00 (meter) plus \$2.50 (airport gate fee)), plus an additional per drop charge of \$5.00, if applicable. The initial flat rate from Zone B to DIA shall be \$45.00.

723-31-26.6.3 Zone C. The initial flat rate from DIA to Zone C shall be \$72.50 (\$70.00 (meter) plus \$2.50 (airport gate fee)), plus an additional per drop charge of \$5.00, if applicable. The initial flat rate from Zone C to DIA shall be \$70.00.

723-31-26.7 Display Map.

Each taxicab serving DIA and the zones shall display a map visible to passengers showing the zones and the applicable flat rate.

723-31-26.8 Description of Zones.

Zone A (Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on 13th Avenue to Clarkson Street, then north on Clarkson Street to the point of beginning.

Zone B (Denver Technological Center): Beginning at the intersection of Dayton Street and Arapahoe Road, then north on Dayton Street to Belleview Avenue, then west on Belleview 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 Belleview Avenue, then east on Belleview Avenue to Quebec Street, then south on Quebec Street to Arapahoe Road, then east on Arapahoe Road to the point of beginning.

Zone C (Boulder): The area within, the city limits of the City of Boulder, Colorado, including future

annexations thereto.

[RULE NUMBERS (4 CCR) 723-31-27 AND 723-31-28 ARE RESERVED FOR FUTURE USE.]

RULE (4 CCR) 723-31-29. RULE EXEMPTION.

In case of hardship, a carrier may file a written application for relief from Rules 723-31-1 through 723-31-28, stating the grounds for relief, and the Commission may either grant the application or set the matter for hearing.

723-31-29.1 For the purposes of obtaining a waiver of the insurance liability limits found in Rule 723-31-12.3 of these rules and regulations, "hardship" may include, but will not be limited to the following:

723-31-29.1.1 The community or market that the applicant serves will be left without service if the waiver request is not granted;

723-31-29.1.2 The applicant is unable to recover the cost of insurance from rate increases due to competition from other carrier services; or

723-31-29.1.3 A Commission finding that the applicant's financial solvency would be jeopardized by failure to grant the waiver and further finding that the benefits to be achieved by granting the waiver and continuing carrier service outweigh the potential disadvantages.

[RULE NUMBERS (4 CCR) 723-31-30 THROUGH 723-31-39 ARE RESERVED FOR FUTURE USE.]

RULE (4 CCR) 723-31-40. VIOLATIONS, CIVIL PENALTY ASSESSMENTS.

723-31-40.1 Intentional Violations. Any person shall be deemed to have committed an intentional violation, as set forth in paragraph (1)(g) of § 40-7-113 or § 40-7-114, C.R.S., if, after having been issued a written notification of any violation, said person commits a violation of the same statute, rule, or regulation. The existence of an intentional violation within the meaning of this rule may also be shown by other facts, circumstances or conduct as may be provided by law.

723-31-40.2 Multiple offenses. The violation of more than one statute, rule, or regulation during the course of one 24-hour period shall constitute multiple offenses for which civil penalties may be assessed as set forth in these rules.

723-31-40.3 Separate offenses. Each violation of a statute, rule, or regulation within the scope of these rules shall constitute a separate offense for which a civil penalty may be assessed as set forth in these rules.

723-31-40.4 Violations of Statutes and Rules.

723-31-40.4.1 A violation of §§ 40-10-104, 40-10-106, or 40-10-117, C.R.S., may result in the assessment of a penalty of up to \$400.00.

723-31-40.4.2 A violation of any other provisions of Title 4C, C.R.S., pertaining to common carriers, except as provided for in paragraphs (3) and (4) of § 40-7-113, C.R.S., or Rule 723-31-40.4.1, may result in the assessment of a penalty of up to \$200.00.

723-31-40.4.3 A violation of Rule No. 25(f) of the Commission's Rules of Practice and Procedure, 4 CCR "723-1, may result in the assessment of a penalty of up to \$200.00.

723-31-40.4.4 A violation of Rules 723-31-3.1 or 723-31-3.7; 723-31-5.1 or 723-31-7.1; 723-31-12.1; 723-31-12.1, 723-31-12.4, or 723-31-12.5; 723-31-13.1; 723-31-16.2, pertaining to the

requirement that a notice be filed; or 723-31-26.4.1, of these rules, may result in the assessment of a penalty of up to \$400.00.

723-31-40.4.5 Any violation of any other rule of these rules, except as provided for in Rule 723-31-40-4.4 may result in the assessment of a penalty of up to \$200.00.

723-31-40.5 Driver and Owner Violations.

723-31-40.5.1 Any owner or other person employing a driver or independent contractor within the meaning of Article 11.5 of Title 40, C.R.S., who operates a motor vehicle in violation of these rules as set forth in Rules 723-31-40.4.1 through 723-31-40.4.8 shall be assessed a civil penalty in the amount stated in such rules if such owner or person knows or had reason to know that the driver (1) was engaged in such violation or (2) directs the driver to operate the motor vehicle in violation of such rules.

723-31-40.5.2 Any civil penalty provided for in Rule 723-31-40.5.1 of these rules shall be in addition to and not in lieu of any civil penalty against the actual driver, and any such penalty may be assessed upon the initial violation by such owner or other person.

723-31-40.6 Repeat Violations of Statutes or Rules.

723-31-40.6.1 Any person who receives a second civil penalty assessment for a repeat violation of the statutes or rules listed in this rule within one year after the first violation, may be assessed two times the amount specified for such second violation.

723-31-40.6.2 Any person who receives more than two civil penalty assessments for a repeat violation of the statutes or rules listed in this rule within one year may be assessed three times the amount specified for each such subsequent violation.

(4 CCR) 723-31-APPENDIX A

723-31-Form E - UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE

(Executed in triplicate)

Filed with _____ (hereinafter called Commission)

(Name of commission)

This is to certify, that _____ the

(Name of company)

(hereinafter called Company) of _____

(Home office address of company)

Has issued to _____ Of _____

(Name of motor carrier) (Address of motor carrier)

a policy or policies of insurance effective from _____ 12:01 a.m. standard time at the address of the insured stated in said policy or policies and continuing until canceled, as provided herein, which, by attachment of the uniform motor carrier bodily injury and property damage

liability insurance endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the company agrees to furnish the commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the State commission, such thirty (30) days' notice to commence to run from the care notice is actually received in the office of the commission.

Countersigned at _____

(Street address) (City) (State) (Zip code)

This _____ Day of _____, 20____

(Authorized company representative)

Insurance company file No. _____

(Policy No.)

(4 CCR) 723-31-APPENDIX B

723-31-Form K - UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER INSURANCE POLICIES

(Executed in triplicate)

Check type canceled: B1 and PD ? Cargo ?

Filed with _____ (hereinafter called Commission)

(Name of commission)

This is to advise that under the terms of a policy or policies issued

to _____

(Name of motor carrier)

of _____

(Address of motor carrier)

by _____

(Name of company)

of _____

(Address)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the _____ day of _____, 20____, 12:01 a.m., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the commission.

(Signature of insurer)

Insurance Company File No. _____

(Policy No.)

(4 CCR) 723-31-APPENDIX C

FORM OF NOTICE (SEE RULE 4 CCR 723-31-22.3)

NOTICE:

Fares are calculated by use of a meter which must be activated.

The applicable fares as approved by and on file with the PUC are _____ for the first _____ mile plus _____ for each additional _____ mile or fraction of a mile.

If a live meter is in use, add the following:

The meter will automatically change to a time charge of _____ per minute when the vehicle speed is less than _____ miles per hour.

Additional charges as approved by and on file with the PUC may apply for additional passengers, baggage, packages, waiting time, pets, toll, or gate charges.

To report any problems, call the Public Utilities Commission at (a telephone number designated by the Commission's Chief of Transportation).

(4 CCR) 723-31-APPENDIX D

FORM OF NOTICE (SEE RULE 4 CCR 723-31-22.3)

NOTICE:

Fares are calculated by use of the vehicle odometer, which you have the right to inspect before and after the trip. The applicable fares as approved by and on file with the PUC are _____ for the first _____ mile, plus _____ for each additional _____ mile, or fraction of a mile. Additional charges as approved by and on file with the PUC may apply for additional passengers, baggage, packages, waiting time, pets, toll or gate charges.

To report any problems, call the Public Utilities Commission at (a telephone number designated by the Commission's Chief of Transportation).

(4 CCR) 723-31-APPENDIX E

FORM OF NOTICE (SEE RULE 4 CCR 723-31-16.2) NOTICE OF INTENT TO USE DUAL USE VEHICLE TO PROVIDE LUXURY LIMOUSINE SERVICE

Carrier: _____

Carrier's Certificate No.: _____

Carrier's Luxury Limousine Registration No.: _____

IDENTITY OF DUAL
USE VEHICLE TO BE
USED IN LUXURY
LIMOUSINE SERVICE

DURATION OF USE OF
DUAL USE VEHICLE
IN LUXURY
LIMOUSINE SERVICE
DURATION OF USE OF
DUAL USE VEHICLE
IN LUXURY
LIMOUSINE SERVICE

Make:

Date(s):

Model:

Pick Up

Time: _____ a.m./p.m.

License No.:

VIN No.:

Customer's Name:

Blanket Designation:

Every:

Pick Up Time :

_____ a.m./p.

m.

Make:

Specific Designation:

Date(s):

Model:

Pick Up Time:

_____ a.m./p.m.

License No.:

VIN No.:

Blanket Designation:

Customer's Name:

Every:

(day(s) of week)

Pick Up Time :

_____ a.m./p.
m.