

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 21R-0467TR

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IN THE MATTER OF THE PROPOSED AMENDMENTS TO MOTOR VEHICLE RULES,  
CODE 4 OF COLORADO REGULATIONS, 723-6 RESULTING FROM THE STATUTORY  
CHANGES FOUND IN SENATE BILL 21-1206, AND SENATE BILL 21-260.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
G. HARRIS ADAMS  
AMENDING RULES**

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Mailed Date: December 2, 2021

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**I. BY THE COMMISSION****A. Statement**

1. On October 14, 2021, the Colorado Public Utilities Commission (Commission) issued the Notice of Proposed Rulemaking that commenced this proceeding to consider amendments to the Motor Vehicle Rules, 4 *Code of Colorado Regulations*, 723-6 of the Rules Regulating Transportation by Motor Vehicle. Decision No. C21-0627, issued October 14, 2021. The Commission has statutory authority to adopt these rules under § 40-2-108 and § 40-10.1-106, C.R.S. The Commission referred this matter to an Administrative Law Judge (ALJ) and scheduled a hearing for November 17, 2021.

2. The purpose of the proposed rules is to review, examine, and consider revisions to the rules regarding motor vehicles, as it pertains to legislative and statutory changes incorporated by multiple bills passed by the Colorado Legislature during the 2020 and 2021 sessions. The proposed amendments to the Motor Vehicle Rules are available for review as Attachment A (redline) and Attachment B (clean) to Decision No. C21-0627 through the Commission's Electronic Filings website (Proceeding No. 21R-0467TR) at:

<https://www.dora.state.co.us/pls/efi/EFI.homepage>.

3. No written comments were filed. No oral comments were provided during the course of the hearing held on November 17, 2021.

4. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this proceeding along with a written recommended decision.

**B. Background**

5. On June 29, 2020, Governor Jared Polis signed Senate Bill 20-118 (SB20-118), Hazardous Materials Transportation Permit Issuance. This bill transferred the function of issuing permits for the transportation of hazardous and nuclear materials by motor vehicle from the Commission to the Colorado Department of Transportation (CDOT). The bill amended various statutes, removing references to the Commission and inserting CDOT, including § 42-20-201, § 42-20-202, § 42-20-203, § 42-20-205, § 42-20-402, § 42-20-405, § 42-20-406, § 42-20-501, § 42-20-505, § 42-20-506, and § 42-20-511, C.R.S. The effective date of this regulatory reallocation was January 1, 2021.

6. On June 17, 2021, Governor Jared Polis signed Senate Bill 21-260 (SB21-260), Sustainability of the Transportation System. This bill, in part, amended § 40-10.1-605, C.R.S., removing the requirement for Transportation Network Company (TNC) drivers to comply with Commission rules regarding medical fitness. The amendment adds a new standard for TNC drivers, whereby they are required to self-certify to the TNC that they are physically and mentally fit to drive. The effective date of this change was June 18, 2021.

7. On June 27, 2021, Governor Jared Polis administratively signed House Bill 21-1206 (HB21-1206), Medicaid Transportation Services. This bill transferred the regulatory jurisdiction of nonmedical transportation (NMT) and nonemergency medical transportation (NEMT) provided to Medicaid recipients from the Commission to the Colorado Department of Health Care Policy & Financing. The bill amended various statutes, removing references to Medicaid Client Transport (MCT) carriers, including § 40-10.1-110, § 40-10.1-301, and § 40-10.1-302, C.R.S. Furthermore, the bill amended § 40-10.1-105, C.R.S., to include NMT and NEMT transportation provided through Medicaid as a type of transportation not subject to

regulation by the Commission. The effective date of this regulatory reallocation was June 28, 2021.

## **II. FINDINGS, DISCUSSION, AND CONCLUSIONS**

### **A. Discussion**

8. No interested party provided written or oral comments in this proceeding.

9. The proposed amendments to the motor vehicle rules, as shown in Attachments A (redline) and B (clean) to this Decision, reflect the rule changes discussed below.

#### **1. SB20-118. Hazardous Materials Transportation Permit Issuance**

10. The statutory changes adopted by SB20-118 make it necessary for various sections of Commission rules to be amended to remove references to hazardous and nuclear materials and related carriers. The amendments include the removal of the initial Basis, Purpose, and Statutory Authority section, as well as Rules 6000, 6001(111), 6009(a), 6009(e), and 6009(f). Additionally, it is proposed that Rules 6001(kk), 6001(fff), and 6010 be eliminated, as they are no longer relevant.

#### **2. HB21-1206. Medicaid Transportation Services**

11. The statutory changes adopted by HB21-1206 make it necessary for various sections of the Commission rules to be amended to remove references to MCT services and related carriers. The amendments include the removal of the initial Basis, Purpose, and Statutory section, as well as Rules 6001(qq), 6015(a)(V), and 6018(e). Additionally, it is proposed that Rules 6001(xx), 6001(zz), 6301(ff), and 6301(h) be eliminated, as they are no longer relevant.

#### **3. SB21-260. Sustainability of the Transportation System**

12. The statutory changes adopted by SB21-260 make it necessary for various sections of the Commission rules to be amended to update the medical certification requirements

for TNCs. The amendments include Rules 6708(a), 6708(b), 6710(c)(VI), 6710(c)(VII), 6713, and 6716(a).

13. Rule 6708(a) is amended to remove reference to the minimum qualification requiring that drivers be “medically qualified to drive as required by rule 6713.” The proposed amendment replaces the minimum qualification described above, requiring instead that “proof that the driver has self-certified to the TNC that he or she is physically and mentally fit to drive.”

14. Rule 6708(b) is amended to remove language requiring that TNC drivers maintain documents proving possession of “a current medical examiner’s certificate.” The proposed amendment removes the minimum qualification above with a requirement described as “proof that the driver has self-certified to the TNC that he or she is physically and mentally fit to drive.”

15. Rule 6710(c)(VI) is amended to remove language referring to record maintenance requirements that TNC parties or any third party on behalf of TNC maintain “the driver’s current medical examiner’s certificate” and that “the driver’s most current medical examiner’s certificate shall be maintained for a period of three years from the date of certification.” The proposed amendment removes the record maintenance requirement described above with the following: “Proof that the driver has self-certified to the TNC that he or she is physically and mentally fit to drive” and that said information be “maintained during the period of service and six months thereafter.”

16. Rule 6710(c)(VII) is amended to replace the prior language referring to waiver record maintenance with “if applicable current medical waivers or variances.”

#### **4. Rule 6713. Proof of Medical Fitness SB21-260.**

17. The proposed amendment to this section changes its title from “Proof of Medical Fitness” to “Proof of Medical and Mental Fitness.”

18. The proposed amendment to that section replaces the previous initial rule with the following language: “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.”

19. The proposed amendment removes 6713(b), 6713(c), 6713(d), and 6713(e) in their entirety.

**5. Rule 6716(a). Authority to Interview Personnel and Inspect Records and Personal Vehicles.**

20. The proposed amendment to this section replaces the language requiring that upon request of a law enforcement official during the Commission’s normal business hours, a TNC shall provide to the enforcement official a “medical examiner’s certificate.”

21. The proposed language replaces “medical examiner’s certificate” with “proof of physical and mental self-certification.”

**B. Conclusion**

22. Attachment A to this Decision represents the rule amendments adopted by this Recommended Decision with modifications to the prior Rules 6708(a), 6708(b), 6710(c)(VI), 6710(c)(VII), 6713, and 6716(a) being indicated in redline and strikeout format.

23. Attachment B to this Decision represents the rule amendments adopted by this Decision to the prior Rules 6708(a), 6708(b), 6710(c)(VI), 6710(c)(VII), 6713, and 6716(a) in final form.

24. The adopted rules in legislative format (*i.e.*, strikeout/underline Attachment A) and final format (Attachment B) are available through the Commission's E-Filings System in this proceeding (21R-0467TR) at:

[https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=21R-0467TR](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0467TR)

25. It is found and concluded that the proposed rules as modified by this Recommended Decision are reasonable and should be adopted.

26. Pursuant to the provisions of § 40-6-109, C.R.S., it is recommended that the Commission adopt the attached rules.

### **III. ORDER**

#### **A. The Commission Orders That:**

1. The Rules Regulating Motor Vehicle Rules, 4 *Code of Colorado Regulations*, 723-6, contained in redline and strikeout format attached to this Recommended Decision as Attachment A, and in final form as Attachment B, are adopted.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

4. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director



## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

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

#### PART 6

### RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

#### 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, ~~Medicaid Client Transport~~, Off-Road Scenic Charters, and Fire Crew Transport), Transportation Network Companies, ~~Hazardous Materials Carriers, Nuclear Materials Carriers~~, 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), ~~42-20-201, et seq., 42-20-501, et seq.~~, 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. ~~For Hazardous Materials Carriers and Nuclear Materials Carriers, rule 6010 and the related definitions in rule 6001 apply.~~ 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) "Hazardous Materials Carrier" means a Motor Carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S. and is subject to the permitting requirements of the Commission, as set forth in § 40-20-201, C.R.S., et seq.~~
- ~~(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.
- ~~(mm)~~ "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- ~~(mmm)~~ "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.
- ~~(enn)~~ "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.
- ~~(poo)~~ "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.
- ~~(ppp)~~ "Limited Regulation Carrier" means a Person who provides service by Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine, ~~Medicaid-Client Transport~~, 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.
- (~~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.
- ~~(xx) "Medicaid Client Transport" is a type of Limited Regulation Carrier defined at rule 6301.~~
- ~~(yy) "Medicaid Non-emergent Medical Transportation Contract" is defined at rule 6301.~~
- ~~(zz) "Medicaid Non-medical Transportation Contract" is defined at rule 6301.~~
- (~~ww~~) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (~~bbxx~~) "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.
- (~~eeey~~) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (~~ddzz~~) "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.
- (~~eeeeaa~~) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- ~~(fff) "Nuclear Materials Carrier" means a Motor Carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S. and subject to permitting requirements through the Commission as set forth in § 42-20-501, C.R.S., et seq.~~
- (~~ggbbb~~) "Off-Road Scenic Charter" means a Limited Regulation Carrier as further defined in rule 6301.
- (~~hhccc~~) "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.
- (~~jjddd~~) "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.
- (~~jjeee~~) "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.
- (~~kkkfff~~) "Passenger Carrier" is defined in rule 6114.
- (~~gggg~~) "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.; ~~a Hazardous Materials Carrier pursuant to Article 20 of Title 42, C.R.S.; or a Nuclear Materials Carrier pursuant to Article 20 of Title 42, C.R.S.~~
- (~~mmhhh~~) "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.
- (~~nniii~~) "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.

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

(~~pppkkk~~) "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.

(~~qqqlll~~) "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.

(~~sssnnn~~) "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.

(~~uuuppp~~) "Special Bus Service," "Special Bus Transportation", or "Special Bus" is defined in rule 6201.

(~~vvvqqq~~) "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.

(~~wwwrrr~~) "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.

- (~~xxxxss~~) “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.
- (~~yyyt~~) “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.
- (~~zzzuuu~~) “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.
- (~~aaaavv~~) “Transfer” is defined at paragraph 6201(h).
- (~~bbbwww~~) “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.
- (~~eeeexx~~) “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.
- (~~dddyyy~~) “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.
- (~~eeeezz~~) “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).
- (~~fffaaa~~) “Vehicle Inspection” refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (~~gggbbb~~) “Vehicle Maintenance File” refers to the information required by rule 6112.
- (~~hhhhccc~~) “Vehicle Stamp” or “Motor Vehicle Identification Stamp” refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

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[indicates omission of unaffected rules]



**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 ~~or a Nuclear Materials 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 ~~or Nuclear Materials 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 ~~or Nuclear Material 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]. Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/ Failure to Maintain Insurance Coverage.~~**

- ~~(a) Whenever Commission records indicate that a Hazardous Materials Carrier's insurance or surety coverage is canceled and the Commission has no proof on file indicating replacement coverage, the Permit is automatically revoked pursuant to § 42-20-202(2)(a), C.R.S.~~
- ~~(b) The Commission shall notify the Hazardous Materials Carrier:
  - ~~(I) that the Commission is in receipt of insurance or surety cancellation and the effective date of the cancellation; and~~
  - ~~(II) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date.~~~~
- ~~(c) Operations performed during lapses in coverage are subject to Civil Penalty Assessments.~~
- ~~(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.~~

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[indicates omission of unaffected rules]

**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, ~~Medicaid Client 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.

\* \* \* \*

[indicates omission of unaffected rules]

**6018. Maximum Civil Penalties, without Statutory Enhancement.**

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANs for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 C.F.R. 386, subpart G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S., the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S., as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to, or Commission adjudication of, a liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 C.F.R. 386, subpart G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000
§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating in violation of the Certificate	\$1,100
§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children’s Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, <del>Medicaid Client Transport</del> , 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
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 display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225
	Any other violation of these rules	\$225

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[indicates omission of unaffected rules]

**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(~~HHHccc~~)) 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.

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[indicates omission of unaffected rules]

**6117. Age and Condition of Passenger Carrying Motor Vehicles.**

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(~~pppkkk~~) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.
- (c) With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.



- (e) The age of a vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.
- (f) In addition to the periodic safety inspections required under rule 6104, Motor Vehicles shall be in good physical condition, meeting the following minimum standards:
  - (I) the body of the vehicle has a good not faded paint job; is devoid of 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 cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim;
  - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
  - (IV) the Motor Carrier's name, Certificate or Permit number, and the name of the Driver are identified in the interior of the vehicle and are clearly visible to the Passenger.
- (g) A petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
  - (I) photos of the interior and exterior (front and back and each side) of the vehicle;
  - (II) number of miles on the Motor Vehicle;
  - (III) dates and results of all periodic inspections for the last two years;
  - (IV) documents in the Vehicle Maintenance File required in rule 6112 for the last two years; and
  - (V) value of the Motor Vehicle using information from the Kelley Blue Book Price Guide, the Edmunds Used Car Price Guide, or similar valuation authority;
  - (VI) any petition that claims financial hardship prohibits replacement of the vehicle must include the revenue generated in the previous 12 months, the amount of loan on the Motor Vehicle, if any, an explanation of the market served and the reason why the Motor Carrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, and age and type of tires; and
  - (VII) any other information the petitioner deems relevant.
  - (VIII) No vehicle is eligible for a waiver of the age requirements of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

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[indicates omission of unaffected rules]

### 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) “Medicaid Client Transport” is a Limited Regulation Carrier and means a service that uses a Motor Vehicle to transport Passengers who are recipients of Medicaid pursuant to Articles 4 to 6 of Title 25.5, C.R.S. and are being transported under a Medicaid Non-emergent Medical Transportation Contract or a Medicaid Non-Medical Transportation Contract. (§ 40-10.1-301(9), C.R.S.)~~
- ~~(g) “Medicaid Non-emergent Medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing non-emergent medical transportation to approved recipients of Medicaid. (§ 40-10.1-301(10), C.R.S.).~~
- ~~(h) “Medicaid Non-medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid. (§ 40-10.1-301(11), C.R.S.)~~

- (if) “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.
- (ig) “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.
- (ih) “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.

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[indicates omission of unaffected rules]

**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; ~~is medically qualified to drive as required by rule 6713; 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: ~~a current medical examiner’s certificate; 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.

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[indicates omission of unaffected rules]

**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.
- (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) ~~The driver's current medical examiner's certificate. The driver's most current medical examiner's certificate shall be maintained for a period of three years from the date of certification.~~ 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 ~~medical~~ waivers or variances ~~issued to the driver.~~
  - (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;
  - (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.

\* \* \* \*

[indicates omission of unaffected rules]

**6713. Proof of Physical and MentalMedical Fitness.**

No TNC shall permit ~~any person to act as a driver to log in to~~ 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. that is not medically examined and certified pursuant to 49 C.F.R. § 391.41, as revised on October 1, 2010 or pursuant to subsections (b) (d) of this rule.

- ~~(b) All medical examiners issuing driver medical examiner's certificates must be licensed medical practitioner 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 colorblindness 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) — current clinical diagnosis of alcoholism.~~
- ~~(d) — A TNC must maintain copies of TNC medical examiner's certificates for all TNC drivers that are authorized to access its digital platform. All medical examiners issuing TNC medical examiner's certificates shall use the TNC medical examination report form included in a packet available on the Commission website. Such TNC medical examiner's certificate shall include certification that the medical examiner conducted an examination in accordance with these rules, and with knowledge of the driving duties, finds the individual is qualified, subject to any express conditions. Such TNC medical examination report shall identify the driver, describe the driver's medical history, and document the examination including the medical examiner's independent judgment based thereupon. A TNC shall not be required to maintain a copy of a driver's TNC medical examination report.~~
- ~~(e) — All medical examiner's certificates shall be valid for not more than two years from the date of issuance.~~

\* \* \* \*

[indicates omission of unaffected rules]

#### **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~~medical examiner's certificate~~ 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.

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

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

#### **PART 6**

#### **RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE**

##### **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.
- (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.
- (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.
- (zzz) “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.

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[indicates omission of unaffected rules]

**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].**

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[indicates omission of unaffected rules]

**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.

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[indicates omission of unaffected rules]

**6018. Maximum Civil Penalties, without Statutory Enhancement.**

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

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

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
§ 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
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 display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225
	Any other violation of these rules	\$225

\* \* \* \*

[indicates omission of unaffected rules]

**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.

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[indicates omission of unaffected rules]

**6117. Age and Condition of Passenger Carrying Motor Vehicles.**

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(kkk) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.

- (c) With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.
- (e) The age of a vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.
- (f) In addition to the periodic safety inspections required under rule 6104, Motor Vehicles shall be in good physical condition, meeting the following minimum standards:
  - (I) the body of the vehicle has a good not faded paint job; is devoid of 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 cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim;
  - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
  - (IV) the Motor Carrier’s name, Certificate or Permit number, and the name of the Driver are identified in the interior of the vehicle and are clearly visible to the Passenger.
- (g) A petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
  - (I) photos of the interior and exterior (front and back and each side) of the vehicle;
  - (II) number of miles on the Motor Vehicle;
  - (III) dates and results of all periodic inspections for the last two years;
  - (IV) documents in the Vehicle Maintenance File required in rule 6112 for the last two years; and
  - (V) value of the Motor Vehicle using information from the Kelley Blue Book Price Guide, the Edmunds Used Car Price Guide, or similar valuation authority;
  - (VI) any petition that claims financial hardship prohibits replacement of the vehicle must include the revenue generated in the previous 12 months, the amount of loan on the Motor Vehicle, if any, an explanation of the market served and the reason why the Motor Carrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, and age and type of tires; and

- (VII) any other information the petitioner deems relevant.
- (VIII) No vehicle is eligible for a waiver of the age requirements of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

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[indicates omission of unaffected rules]

**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.

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[indicates omission of unaffected rules]

**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.

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[indicates omission of unaffected rules]

**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.
- (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;
  - (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.

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[indicates omission of unaffected rules]

**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.

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[indicates omission of unaffected rules]

**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.