

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 – 67~~99~~24 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.

TRANSPORTATION NETWORK COMPANY RULES

6700. Applicability of Transportation Network Company Rules.

Rules 6700 through 67~~99~~24 apply to all transportation network companies (TNCs) as defined by § 40-10.1-602(3), C.R.S. and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

6701. Definitions.

The following definitions apply throughout rules 6700 through 67~~99~~24, except where a specific rule or statute provides otherwise.

- (a) "Enforcement official" means:
 - (I) any person appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation network companies; or
 - (II) as defined by § 42-20-103(2), C.R.S.
- (b) "Logged in" means that a driver's credentials have been accepted to connect to a transportation company digital network such that the driver is capable of being matched to a rider [OR a driver has gained access to a transportation company digital network].

- (c) "Logged out" means that a driver is disconnected or not connected to a transportation company's digital network.
- (d) "Matched" means the point in time when a driver accepts a requested ride through a transportation network company's digital network.
- (e) "Permit" means the permit required for the operation of a transportation network company pursuant to Part 6 of Article 10.1 of Title 40, C.R.S.
- (f) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity and any person acting as or in the capacity of officer, director, manager, employee, member, partner, lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.
- (g) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing services for a transportation network company that meets the vehicle criteria set forth in § 40-10.1-605(1)(h), C.R.S.
- (h) "Prearranged ride" means a period of time that begins when a driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the personal vehicle.
- (i) "School" means a public school that enrolls students in any of the grades of kindergarten through twelfth grade.
- (j) "School transportation network company" (School TNC) means a TNC who provides TNC services for remuneration from a school or school district to transport students to or from a school, school-related activities, or school-sanctioned activities.
- (k) "Student" means an individual enrolled in a school.
- (l) "Transportation network company" (TNC) means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect riders to drivers for the purpose of providing transportation. A transportation network company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing arrangements, as defined in § 39-22-509 (1) (a) (II), C.R.S. or any transportation service over fixed routes at regular intervals. A transportation network company is not deemed to own, control, operate, or manage the personal vehicles used by transportation network company drivers. A transportation network company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.
- (m) "Transportation network company driver" or "driver" means an individual who uses his or her personal vehicle to provide transportation network company services for riders matched to the driver through a transportation network company's digital network. A driver need not be an employee of a transportation network company.
- (n) "Transportation network company rider" or "rider" means a passenger in a personal vehicle for whom a driver provides transportation network company services, including:

- (I) an individual who uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or
 - (II) anyone for whom another individual uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle.
 - (III) "Rider" includes service animals as defined in § 24-34-803, C.R.S., accompanying any passenger.
- (o) "Transportation network company services" or "services" means the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company. The term does not include services provided using vehicles owned or leased by a political subdivision or other entity exempt from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended. The term includes services provided under a contract between a transportation network company and a political subdivision or other entity exempt from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.

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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.
- (I) A TNC shall not allow a person to operate or offer to operate as an imposter driver by impersonating a driver who is qualified to operate on a TNC's digital network, through account sharing, account renting, or by any other means.
 - (II) A person acting as an imposter driver, as described in subparagraph 6708(a)(I), or a TNC driver allowing this activity to occur using their account, is deemed to be operating or offering to operate in intrastate commerce as a common carrier and is, therefore, not performing TNC services or acting as a TNC driver, pursuant to § 40-10.1-602, C.R.S. This conduct may be subject to penalties for providing passenger transportation service without Commission authority.
- (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]

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

- (a) TNCs shall require drivers to submit a written report for any incident in which a driver refuses to transport a passenger pursuant to § 40.10.1-605(9), C.R.S. The report shall include the reason for the refusal.
- (b) TNCs shall reasonably address any reports of alleged violations of § 40-10.1-605(6)(a), C.R.S., including reports from drivers, passengers, or the Commission.
- (c) Prior to February 1 of each calendar year, each TNC shall report to the Commission the number of incidents in which a driver has reported to the TNC, pursuant to § 40-10.1-605(9), C.R.S., each refusal to transport a passenger after the driver and rider were matched, for the previous calendar year. Each report must include, but is not limited to the following information: the TNC's name; the TNC's permit number; the period being reported; the identity of each involved driver; the date the prearranged ride was requested; the address from which the prearranged ride was requested; the destination to which the prearranged ride was intended; and the reason the prearranged ride was refused. The report shall contain a record of any discipline administered to the driver for any alleged violation of § 40-10.1-605(6)(a), C.R.S. The report also shall contain the signature, the printed name and title of the person completing the form; the signature, the printed name and title of an officer authorized to file the report; and an oath that the information is accurate.
 - (I) Along with the report required under paragraph 6720(c), each TNC shall prepare and submit to the Commission a public version of the report that anonymizes the driver identity and identifies the location of the refusal by the zip codes from which the prearranged ride was requested and the destination to which the prearranged ride was intended.
- (d) Prior to February 1 of each calendar year, each TNC shall report to the Commission a record of any actions taken by the TNC to address alleged violations of the TNC statute (§40-10.1-601, et seq., C.R.S.) and of the Commission's TNC Rules (Rules 6700-679924 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6) as notified by enforcement officials discipline administered to a driver for a violation of statute or rules. Each report must include, but is not limited to the following information: the TNC's name; the TNC's permit number; the period being reported; the identity of each involved driver, the violation, the discipline administered, including a notation whether the driver was subsequently monitored and involved in any other violations.

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[indicates omission of unaffected rules]

6725. Sharing of Imposter Driver Information

Each TNC shall, upon request by an enforcement official or other licensed TNC, make available information related to any drivers and imposter drivers who have violated, or been alleged to have violated, subparagraphs 6708(a)(I)-(II).

67265. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

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

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

- (a) \$11,000 per violation.
 - (I) Failure to obtain and keep in force liability insurance that conforms with the requirements of § 40-10.1-604.
- (b) \$10,000 per violation.
 - (I) Violation of paragraph 6723(a).
 - (II) Violation of paragraph 6723(b).
- (c) \$2,500 per violation.
 - (I) Violation of paragraph 6723(i) or (j).
 - (II) Violation of rule 6708.
 - (III) Violation of paragraph 6722(a), (c), (d), (e), or (f).
- (d) \$1,100 per violation.
 - (I) Violation of rule 6713.
 - (II) Violation of the periodic inspection requirements of rule 6714.
 - (III) Violation of rule 6702.
 - (IV) Violation of rule 6721.
 - (V) Violation of paragraph 6723(c), (d), (e), (g) or (l).
- (e) \$500 per violation up to \$10,000.
 - (I) Violation of rule 6710.
 - (II) Failure to return the completed DVCR as required by subparagraph 6718(c)(III).

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

67276. – 6799. [Reserved].