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DEPARTMENT OF PUBLIC SAFETY

Colorado State Patrol

RULES AND REGULATIONS CONCERNING MINIMUM STANDARDS FOR THE OPERATION OF COMMERCIAL VEHICLES

8 CCR 1507-1

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

MCS 1: AUTHORITY TO ADOPT STANDARDS AND SPECIFICATIONS. The Chief of the Colorado State Patrol is authorized by the provisions of §42-4-235 (4) (a) (i), CRS, to adopt rules and regulations setting safety standards and specifications for the operation of all commercial vehicles in Colorado, both in interstate and intrastate transportation.

MCS 2: APPLICABILITY. These rules and regulations apply to individuals, corporations, Colorado government or governmental subdivisions or agencies, or other legal entities who operate commercial vehicles as they are defined in §42-4-235 (1) (a), CRS.

2.1. COMPLIANCE WITH 8 CCR 1507-25 AS APPROPRIATE. In addition to this rule, any person who transports hazardous materials as defined in 49 CFR 171.8 and §42-20-103 (3), CRS, and/or nuclear materials as defined in §42-20-402 (3) (a) – (c), CRS, must operate consistent with 8 CCR 1507-25, the CSP Rules and Regulations Concerning the Permitting, Routing, and Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado.

2.2. APPROVAL OF TEMPORARY RULE VARIANCE(S). Provided a variance is not in violation of §42-4-235, CRS, the CSP Motor Carrier Safety Section (MCSS) may consider and grant requests of intrastate commercial motor carriers for temporary variances from these rules.

MCS 3: GENERAL DEFINITIONS. The following definitions apply throughout these rules unless otherwise specified. Definitions relevant to these rules are found in Title 49 of the Code of Federal Regulations. These definitions are amended to maintain consistency with the Colorado Revised Statutes as necessary.

3.1. Action: Consistent with §24-4-102 (1), CRS, and as used within these rules, an action includes the whole or any part of any agency rule, order, interlocutory order, license, sanction, relief or the equivalent or the denial thereof, or failure to act.

3.2. Aggrieved: Consistent with §24-4-102 (3.5), CRS, and as may be used in connection with judicial review of rule-making, means having suffered actual loss or injury or being exposed to potential loss or injury to legitimate interests including but not limited to, business, economic, aesthetic, governmental, recreational, or conservational interests.

3.3. CDL: Commercial Driver's License.

3.4. CDOR: Colorado Department of Revenue.

3.5. CDOT: Colorado Department of Transportation.

3.6. CDPS: Colorado Department of Public Safety.

- 3.7. CFR:** Code of Federal Regulations.
- 3.8. Chief:** The Chief of the Colorado State Patrol, or his or her designee as appropriate, unless otherwise specified.
- 3.9. Civil Penalty:** A financial penalty imposed on a motor carrier by the Colorado State Patrol after a Compliance Review for violations of rules adopted by the Chief consistent with §42-4-235 (4) (a) (I), CRS.
- 3.10. Civil Penalty Process:** The process and procedures to collect Civil Penalties issued by the CSP for violations of §42-4-235 (4) (a), CRS, under the authority provided by §42-4-235 (2)(a), CRS, and determined consistent with the provisions of Subpart G of 49 CFR 386 as codified within §42-4-235 (2) (b) (I), CRS.
- 3.11. Commercial Vehicle:** The definition of commercial vehicle will be as outlined in §42-4-235 (1) (a), CRS.
- 3.12. Compliance Review:** An examination of motor carrier operations, such as driver's hours-of-service, maintenance and inspection, driver qualifications, CDL requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets safety fitness standards.
- 3.13. Conditional Safety Fitness Rating:** Indicates that a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standards that could result in the occurrences listed in 49 CFR 385.5.
- 3.14. CRS:** Colorado Revised Statutes.
- 3.15. CRU:** Colorado State Patrol Central Records Unit.
- 3.16. CSP:** Colorado State Patrol.
- 3.17. CVSA:** Commercial Vehicle Safety Alliance.
- 3.18. Decision:** As used within these rules, means the determinative action in adjudication and includes order, opinion, sanction, and relief.
- 3.19. Enforcement Official:** The definition of an Enforcement Official will be as it is defined by §§16-2.5-101, 16-2.5-114, 16-2.5-115, and 16-2.5-143, and as outlined in §42-20-103 (2), CRS.
- 3.20. FMCSA:** Federal Motor Carrier Safety Administration.
- 3.21. FMCSR:** Federal Motor Carrier Safety Regulations.
- 3.22. GCWR:** Gross Combined Weight Rating.
- 3.23. GVWR:** Gross Vehicle Weight Rating.
- 3.24. Initial Decision:** As it applies to the assessment of civil penalties or the assignment of Safety Fitness Ratings under these rules, reflects a decision that will become a final agency action of the CSP unless administratively reviewed by the CSP at the request of a motor carrier consistent with these rules.
- 3.25. Interested Person:** Includes any persons who may be aggrieved by agency action.

- 3.26. **LLC:** Limited Liability Company or Limited Liability Corporation.
- 3.27. **MCSS:** Colorado State Patrol Motor Carrier Safety Section.
- 3.28. **Motor Carrier:** The definition of a motor carrier will be as it is outlined in §42-4-235 (1) (c), CRS.
- 3.29. **MOU:** Memorandum of Understanding.
- 3.30. **Notice of Claim Letter (NOC):** As it is used within these rules, a written order informing a motor carrier of its Civil Penalty Assessment, the rights associated with the penalty, and the process for responding to the penalty.
- 3.31. **OOS:** Out-of-Service.
- 3.32. **PUC:** Colorado Public Utilities Commission.
- 3.33. **Sanction:** Includes any prohibition, requirement, limitation, or other condition affecting the freedom of any person. Sanction also applies to the imposition of any form of penalty or fine, including civil penalties as they are assessed consistent with state statutes and these rules.
- 3.34. **Satisfactory Safety Fitness Rating:** Indicates a motor carrier has in place and functioning adequate Safety Fitness controls to meet the safety fitness standard prescribed in 49 CFR 385.5. Safety Fitness controls are adequate if they are appropriate for the size and type of operation of the motor carrier.
- 3.35. **Served/Service:** Indicates a NOC or other service document sent by first class mail to the last address furnished to the MCSS by the motor carrier or personally served on the motor carrier by a uniformed member of the CSP.
 - 3.35.1. Service of an NOC or document by first class mail is considered complete when it is mailed, not when it is received.
- 3.36. **Unrated Safety Fitness Rating:** Indicates a safety rating has not been assigned to the motor carrier by the CSP.
- 3.37. **Unsatisfactory Safety Fitness Rating:** Indicates a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard, resulting in occurrences as listed in 49 CFR 385.5.
- 3.38. **USDOT Number:** The number assigned to a motor carrier by the FMCSA. The number can be for intrastate or interstate use, depending on the information provided by the motor carrier to the FMCSA at the time of an application submission, the biannual update, or any other update to the motor carrier record.

MCS 4: AUTHORITY TO INSPECT VEHICLES, DRIVERS, CARGO, BOOKS, AND RECORDS.

Authorized Enforcement Officials will at times have the authority to inspect commercial vehicles, commercial vehicle drivers, cargo, and any required documents consistent with Part MCS 4 of these rules.

- 4.1. **SAFETY INSPECTIONS.** Enforcement Officials who are authorized to perform motor vehicle safety inspections on commercial motor vehicles and drivers are required to meet the inspector qualifications outlined in §42-4-235 (4) (a) (I), CRS, while performing CVSA North American Standard Safety Inspections.

4.1.1. All Enforcement Officials performing North American Standard Safety Inspections must maintain the certification requirements prescribed in the current published CVSA Operations Manual, effective April 1, 2024.

4.2. **AUTHORITY TO INSPECT.** Authorized Enforcement Officials have the authority to inspect commercial vehicles, commercial vehicle drivers, cargo, and any required documents, as such documents apply to motor vehicle or commercial vehicle transport by 8 CCR 1507-25 and/or as are outlined in 49 CFR, Subchapter B, Parts 383, 387, 390, 391, 392, 393, 395, 396, 397, and 399, as revised October 1, 2023.

4.3. **AUTHORITY TO CONDUCT COMPLIANCE REVIEWS AND SAFETY AUDITS.** CSP Enforcement Officials who are certified by the FMCSA under 49 CFR 385, Subpart C, to perform compliance reviews and safety audits have the authority to enter the facilities of and inspect any motor carrier, as defined in §42- 4-235 (1) (c), CRS. Inspection includes the review of any required records and supporting documents as may apply through 8 CCR 1507-25 and/or as they are identified and defined in 49 CFR, Subchapter B, Parts 40 380, 382, 383, 385, 387, 390, 392, 393, 395, 397, 399, and Appendix A, revised October 1, 2023.

MCS 5: INSPECTION STANDARDS AND REPORTS. Through an MOU with the CVSA, dated October 21, 2022, the CSP adopts the standards and procedures established for the inspection of commercial vehicles, collectively known as the North American Uniform Driver/Vehicle Inspection.

5.1. **CVSA BYLAWS AS GENERAL INSPECTION GUIDELINES.** Authorized Enforcement Officials performing safety inspections on commercial vehicles, drivers, and cargo will use as general guidelines the levels, methods of inspections, and the OOS criteria found in the CVSA bylaws, as they are revised and effective April 1, 2024.

5.2. **MINIMUM INFORMATION AND REPORT DISPOSITION.** Authorized Enforcement Officials will, upon the completion of each inspection, prepare a report which, at minimum, identifies the inspector, the inspector's agency, the name and address of the motor carrier, the date and time of the inspection, the location of the inspection, the vehicle, and the driver, any defects or violations found, and the disposition of the vehicle. A copy of the inspection report will be provided to the driver or motor carrier.

MCS 6: STATE ADOPTION OF FMCSR. All intrastate and interstate motor carriers, commercial vehicles, and drivers thereof, operating within Colorado must operate consistent with the safety regulations detailed within:

49 CFR 40	Procedures for Transportation Workplace Drug and Alcohol Testing Programs
49 CFR 380	Special Training Requirements
49 CFR 382	Controlled Substances and Alcohol Use and Testing
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 390	Federal Motor Carrier Safety Regulations: General
49 CFR 391	Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
49 CFR 392	Driving of Commercial Motor Vehicles
49 CFR 393	Parts & Accessories Necessary for Safe Operation
49 CFR 395	Hours of Service of Drivers
49 CFR 396	Inspections, Repair, and Maintenance
49 CFR 397	Transportation of Hazardous Materials, Driving and Parking Rules

49 CFR 399 Employee Safety and Health Standards
49 CFR 396 Appendix A to Subtitle B of Chapter III Minimum Periodic Inspection Standards

of the FMCSA as the same were effective October 1, 2023, and published in Title 49 of the CFR, Subtitle B, Chapter III, Parts 200 through 399, with references therein, with modifications as are necessitated by state law and set forth by and within these rules:

- 6.1. INTRASTATE COMMERCE INCLUDED.** Unless otherwise specified, all references to interstate commerce by the FMCSR hereby adopted by these rules also include and apply to intrastate commerce.
- 6.2. ENTRY-LEVEL DRIVER TRAINING.** 49 CFR 380.509 (a) is amended to read: "Each employer must ensure each entry-level driver, who first begins operating a commercial motor vehicle requiring a CDL under §42-2-404, CRS, receives the training required by 49 CFR 380.503."
- 6.3. NEW ENTRANT SAFETY PROGRAM.** 49 CFR 385.501 (b) and (c), through 385.505, and 385.319 (b) through 385.337 do not apply.
 - 6.3.1.** 49 CFR 385.309 through 385.319 (a), hereafter referred to collectively as the Colorado Intrastate New Entrant Safety Assurance Program applies to intrastate motor carriers who are beginning intrastate operations and are required to obtain an intrastate USDOT number from the FMCSA.
 - 6.3.2.** Intrastate motor carriers can confirm if they need a USDOT number and complete an intrastate application online by going to <HTTPS://WWW.FMCSA.DOT.GOV/REGISTRATION/DO-I-NEED-USDOT-NUMBER>.
 - 6.3.3.** All interstate motor carriers beginning operations in Colorado must submit to a safety audit consistent with 49 CFR 385.3.
 - 6.3.4.** All intrastate motor carriers beginning operations in Colorado are eligible for the Colorado Intrastate New Entrant Safety Assurance Program. New intrastate carriers may schedule training by contacting the MCSS. A prior interstate safety audit or compliance review will meet the requirement for a safety audit.
- 6.4. FINANCIAL RESPONSIBILITY (INSURANCE) OF MOTOR CARRIERS.** Under §42-4-235 (4) (a) (I), CRS, the financial responsibility and insurance provisions of these rules do not apply to commercial vehicles regulated by the PUC. Additionally, these same provisions do not apply to commercial vehicles operated by river outfitters regulated by the Colorado Department of Natural Resources, Division of Wildlife, under 2 CCR 405-3. These noted exceptions aside, 49 CFR 387.1 through 387.17, 387.303, 387.305, and 387.309 apply to the operation of commercial vehicles in Colorado with the following exceptions:
 - 6.4.1.** 49 CFR 387.7 (e) and (g) do not apply.
 - 6.4.2.** 49 CFR 387.9 (4) applies only to interstate and foreign commerce.
 - 6.4.3.** Transportation carriers may obtain a certificate of self insurance issued under §42-7-501, CRS, or 49 CFR 387.

- 6.4.4.** Motor carriers subject to these rules must carry a minimum level of cargo liability coverage of \$10,000 for loss or damage to property carried on any one motor vehicle, or an amount adequate to cover the value of the property being transported, whichever is less unless the shipper and the property carrier otherwise agree by written contract to a lesser amount.
- 6.5. AMENDED GENERAL APPLICABILITY OF THE FMCSR.** 49 CFR 390.3 (f), (1) – (2), and (6) do not apply.
- 6.6. AMENDED APPLICABILITY OF FMCSR DEFINITIONS.** The following definitions set forth within 49 CFR 390.5 are amended by these rules:
- 6.6.1.** The definitions of “Commercial Motor Vehicle” and “Motor Carrier” do not apply.
- 6.6.2.** The definition of an “emergency” is amended through the addition of the following: “A governmental agency has determined that a local emergency requires relief from the maximum driving time in 49 CFR 395.3 or 395.5.”
- 6.7. AMENDED MOTOR CARRIER IDENTIFICATION REQUIREMENTS.** 49 CFR 390.19 (a) is amended to read: “Each motor carrier that conducts operations in intrastate commerce must apply for and receive an intrastate USDOT Number before beginning operations within the state. The motor carrier is required to update this information every 24 months.”
- 6.7.1.** USDOT numbers for intrastate motor carriers are processed by the FMCSA.
- 6.7.2.** 49 CFR 390.21 (b) is amended through the addition of the following: “Intrastate carriers must mark their vehicles with the assigned intrastate USDOT number, preceded by the letters “USDOT” and followed by the suffix “CO” (e.g.: USDOT 1234567 CO).”
- 6.7.2.1.** Motor carriers operating in intrastate commerce, not transporting 16 or more passengers (including the driver) or transporting placarded hazardous materials and having a GVWR or GCWR equal to or over 16,001 lbs., but not in excess of 26,000 lbs., may meet the marking requirements of 49 CFR 390.21 by marking the trailer or secondary unit, if the GVWR of the self-propelled unit itself is less than 16,001 lbs.
- 6.7.2.2.** In the interests of public safety, intrastate motor carriers who operate as repossessioners as defined within §42-6-146 (4), CRS, are not subject to the marking requirements of 49 CFR 390.21.
- 6.8. AGE OF DRIVERS OPERATING IN INTERSTATE COMMERCE.** 49 CFR 391.11 (b) (1) is amended to read: “Is at least 21 years old if engaged in interstate commerce or transporting hazardous materials of a type or quantity that would require the vehicle to be marked or placarded under 49 CFR 177.823, except drivers operating interstate under a waiver issued through the FMCSA Military Pilot Program, or any other approved non-military extension thereof and as recognized consistent with §42-2-404 (4) (b), CRS. All other drivers operating intrastate only must be at least 18 years of age.”
- 6.9. AMENDING HOS AND APPLICABILITY THEREOF.** The HOS regulations set forth within 49 CFR 395 are amended as follows:

- 6.9.1.** Public transit agency carriers and their drivers operating in intrastate commerce may satisfy the requirements of 49 CFR 395.1 (e) (1) (ii) by either meeting the existing regulation or by replacing 49 CFR 395.1 (e) (1) and (2) with “the driver is released from work within 12 consecutive hours.”
- 6.9.2.** 49 CFR 395.3 and 395.5 do not apply to drivers of either Colorado governmental vehicles or tow trucks working an emergency, as defined in 49 CFR 390.
- 6.9.3.** 49 CFR 395.3 does not apply to drivers who are towing a vehicle from a public roadway at the request of a public officer or for other law enforcement purposes.
- 6.9.4.** Drivers transporting livestock, poultry, slaughtered animals, or the grain, corn feed, hay, etc. used to feed animals are eligible to use the agricultural operations exception in 49 CFR 395.1 (k).
- 6.9.5.** 49 CFR 395.1 (k) is amended to read: “Is conducted during the planting and harvesting seasons within Colorado as determined by the Department of Agriculture to be from January 1 to December 31.”
- 6.10. REFERENCES TO FEDERAL AGENCIES TO INCLUDE STATE AGENCIES.** All references to federal agencies and authorized personnel are to be construed to include the CSP, PUC, and other state or local enforcement agencies who have a signed MOU with the CSP and their authorized personnel.
- 6.11. FILING OF INFORMATION RELATED TO FMCSR REPORTING REQUIREMENTS.** All motor carrier and driving requirements adopted by 8 CCR 1507-25 and/or referred to in 49 CFR 40, 368, 380, 382, 383, 385, 387, 390, 391, 392, 393, 395, 396, 397, and 399 must be filed with or delivered by mutually agreed upon methods upon request to the MCSS at 15075 S. Golden Rd., Golden, CO., 80401.
- 6.12. OTHER GENERAL EXCEPTIONS.** These rules and regulations apply to all vehicles meeting the definition of a commercial vehicle outlined in §42-4-235 (1) (a), CRS, and drivers who meet the definition of “Driver” as described in 49 CFR 390.5, with the following exceptions:

 - 6.12.1.** Drivers of intrastate vehicles and vehicle combinations having a GVWR or GCWR of not more than 26,000 lbs., not requiring a CDL to operate, are not subject to 49 CFR 391, Subpart E, Physical Qualifications and Examinations.
 - 6.12.2.** Vehicles owned and operated by the federal government or state government or political subdivision thereof not domiciled in Colorado, not transporting hazardous materials of a type and quantity requiring the vehicle to be marked or placarded under 49 CFR 172.504.
 - 6.12.3.** The operation of authorized emergency vehicles, as defined in §42-1-102 (6), CRS, while in emergency and related operations.
 - 6.12.4.** The operation of snowplows, as defined in §42-1-102 (91), CRS, and all other vehicles engaged in supporting the use thereof when snowplows are removing snow/ice from the roadway or engaged in related snow/ice removal operations.

MCS 7: TRACTION DEVICES ARE REQUIRED. Drivers operating a commercial vehicle as defined in CDOT Rule 2 CCR 601-14, except for mobile cranes, operating on Interstate 70 between mileposts 133 and 259 between September 1st and May 31st must carry tire chains consistent with the requirements detailed within §42-4-106 (5) (a) (I), CRS. Alternative Traction Devices (ATDs), including tire cables, may also be used as defined and as use is consistent with 2 CCR 601-14.

MCS 8: INTRASTATE MEDICAL WAIVERS. MCSS may grant variances/waivers to drivers unable to satisfy the requirements of 49 CFR 391, Subpart E, consistent with these rules.

- 8.1. APPROVAL OF MEDICAL WAIVERS.** Individual applications requesting a variance/waiver of specific requirements may be approved when the approval of a variance/waiver is supported by the decisions of a certified medical examiner and the documented determination of an appropriate medical professional, combined with the satisfaction of any applicable performance standards which support a decision that a medical condition has no adverse impact on safety.
- 8.2. MEDICAL WAIVER INFORMATION AVAILABLE ONLINE.** Medical waiver requirements, submission information, and other relevant documents are available online at [HTTPS://CSP.COLORADO.GOV/MEDICAL-WAIVERS](https://CSP.COLORADO.GOV/MEDICAL-WAIVERS). Medical waiver applications may also be requested in person by fax or by US mail from the MCSS office. Additional questions concerning the Colorado CDL Medical Waiver Program may be directed to the MCSS by phone at (303) 273-1875.
- 8.3. WRITTEN NOTICE OF TERMS AND CONDITIONS.** Medical waiver cardholders are provided written notice of relevant program terms and conditions at the time of card approval and subsequent renewal(s).
- 8.4. DENIAL OF MEDICAL WAIVER APPLICATION.** An application for a medical waiver may be denied if:
 - 8.4.1.** The applicant does not currently possess or is not in the process of attaining a state of Colorado CDL.
 - 8.4.2.** The applicant has a medical condition for which a waiver or variance is not available; or
 - 8.4.3.** Either the certified medical examiner or the medical professional fails to complete or certify the required medical waiver form(s).
 - 8.4.4.** Denial of a medical waiver application will be by written notice from the MCSS.
 - 8.4.4.1.** Medical waiver applications denied as a result of incomplete, insufficient, or ineligible information may be resubmitted at the convenience of an applicant upon correction, completion, or meeting requirements of eligibility without prejudice.
- 8.5. APPEAL OF MEDICAL WAIVER DENIAL.** Both new and renewal medical waiver applicants have rights of appeal in the event of application denial.
 - 8.5.1.** Where after review of an application and consideration of relevant motor vehicle operation data available to the CSP at the time of application receipt the CSP decides to deny a request for a medical waiver, an applicant may request a hearing appealing the denial within 60 days.

8.5.2. Upon review of relevant motor vehicle operation data available to the CSP at the time of receipt of paperwork to re-issue a medical waiver to an individual having an expired or expiring waiver, the CSP may deny to renew or re-issue a medical waiver if the CSP determines that to re-issue a medical waiver to an individual does not promote safety, protect human life, or preserve the highways of this state. An applicant seeking renewal of an existing or expiring medical waiver may appeal this decision. The denial of an application for re-issue or renewal of a medical waiver to an individual based on relevant motor vehicle operation data available to the CSP at the time of the receipt of paperwork is entitled to the same appeal rights as a waiver revocation as set forth within Part 8.6 of these rules.

8.6. **MEDICAL WAIVER REVOCATION.** A medical waiver may be revoked where the CSP determines that issue of a waiver to a driver does not promote safety, protect human life, or preserve the highways of this state.

8.6.1. A medical waiver may be revoked by the CSP when a waiver holder fails to comply with the applicable terms and conditions of the CSP Medical Waiver Program.

8.6.2. A medical waiver may be revoked by the CSP when it is determined that based on relevant motor vehicle operations data available to the CSP, the continued use of the waiver by a holder fails to promote safety, protect human life, or preserve the highways of this state.

8.6.3. Revocation of any medical waiver will be by written notice from the MCSS consistent with §24-4-104, CRS.

8.7. **RIGHT TO HEARING UPON MEDICAL WAIVER REVOCATION.** The MCSS will provide the waiver holder an opportunity to attend a hearing. Notice of this hearing will be in writing and will provide the waiver applicant with at least 30 Days notice of the time, date, place, and nature of the hearing. Notice will be served in person or by certified mail or, upon agreement of the parties, by email.

8.8. **RIGHT TO APPEAL MEDICAL WAIVER REVOCATION.** Within 30 days of the completion of a hearing or the failure of the waiver holder to file a written answer in response thereto, the Chief or his or her designee will issue a decision either affirming the revocation or reinstating the medical waiver. Within 30 days of receiving written notice from the MCSS revoking a medical waiver, the aggrieved holder of a medical waiver may submit an exception or appeal. Additionally:

8.8.1. Appeal requests must be made in writing.

8.8.2. Appeal requests must be addressed to the Chief at the MCSS at 15075 S. Golden Rd., Golden, CO., 80401.

8.8.3. The Chief will hold a hearing on the appeal.

8.8.4. The Chief will issue a written decision within 20 business days of the completed hearing. Notice of the decision will be served in person or by certified mail to the last known address provided for the appealing party. Upon agreement of the parties, service may also occur by email.

8.8.4.1. If the Chief finds by preponderance of the evidence that evidence of non-compliance and/or ineligibility is sufficient, revocation of the medical waiver will be sustained.

8.8.4.2. If the Chief finds by preponderance of the evidence that evidence of non-compliance and/or ineligibility is insufficient, the revocation of the medical waiver will be immediately reversed, and the medical waiver will be reinstated.

8.8.5. The decision of the Chief on appeal will constitute a final agency action and is subject to judicial review as outlined in §24-4-106, CRS.

MCS 9. COMPLIANCE REVIEWS AND THE ASSIGNMENT OF INTRASTATE SAFETY FITNESS

RATINGS. §42-4-235 (2) (c), CRS, gives the CSP the exclusive authority to conduct Compliance Reviews. Out of this exclusive authority arises the ability to assign Safety Fitness Ratings to motor carriers and the responsibility to levy sanctions in the form of Civil Penalties for violations against persons for operating commercial vehicles inconsistent with these rules.

9.1. EXCLUSIVE AUTHORITY TO CONDUCT COMPLIANCE REVIEWS. §42-4-235 (2) (c), CRS, gives the CSP exclusive authority to conduct Compliance Reviews, as defined in 49 CFR 385.3, and to impose Civil Penalties pursuant to such reviews. Only authorized CSP Enforcement Officials have the authority to conduct Compliance Reviews.

9.2. APPLICATION OF INTRASTATE CARRIER SAFETY RATINGS. The CSP will establish a Safety Fitness Rating for each motor carrier upon which it conducts a Compliance Review. Upon completion of a Compliance Review, the CSP will assign a proposed Safety Fitness Rating that will be based on the degree of compliance with the federal motor carrier Safety Fitness Standards for motor carriers outlined in 49 CFR 385.5.

9.2.1. The Safety Fitness Rating will be determined using the factors prescribed in 49 CFR 395.7 as guidance. A motor carrier may determine their degree of compliance with the Safety Fitness Standard by reviewing 49 CFR 385.5.

9.2.2. On the 61st day after the assignment of a proposed Safety Fitness Rating, the motor carrier's Safety Fitness Rating will become the final Safety Fitness Rating.

9.2.3. The final Safety Fitness Rating for an intrastate motor carrier will be available to the public on request by contacting the CSP CRU at:

Colorado State Patrol, Central Records Unit
700 Kipling St.
Lakewood, CO., 80215
(303) 239 – 4180
[HTTPS://CSP.COLORADO.GOV/TALK-WITH-US/CENTRAL-RECORDS-UNIT](https://CSP.COLORADO.GOV/TALK-WITH-US/CENTRAL-RECORDS-UNIT)
EMAIL: CDPS_CSPRECORDS@STATE.CO.US

9.3. ADMINISTRATIVE REVIEW OF SAFETY FITNESS RATING. If a motor carrier believes the CSP committed an error in assigning its' Safety Fitness Rating, the motor carrier may request an administrative review of the Compliance Review that resulted in the assignment of the disputed Safety Fitness Rating. The request from the motor carrier must comply with the following provisions:

9.3.1. The request must be in writing and addressed to the Chief within 30 days of the assignment of the proposed Safety Fitness Rating.

- 9.3.2. The request must explain the error the motor carrier believes the CSP committed in issuing the Safety Fitness Rating. The motor carrier must include a list of all factual and procedural issues in dispute and any information or documentation that supports its assignment.
- 9.3.3. The Chief may request more information and/or require the motor carrier to attend a conference to discuss the rating. If the motor carrier does not provide the information request or attend the conference, the Chief may dismiss the request.
- 9.3.4. The Chief will serve the decision in writing within 30 days of receiving the request.
- 9.3.5. The proposed Safety Fitness Rating will remain as a proposed Safety Fitness Rating until the decision of the Chief.
- 9.3.6. The decision of the Chief will include the assignment of a final Safety Fitness Rating. The decision will constitute a final action by the CSP.

9.4. MOTOR CARRIER REQUEST TO CHANGE SAFETY FITNESS RATING FOR CORRECTIVE ACTION(S). An intrastate motor carrier may request a change to their Safety Fitness Rating based on corrective actions completed by the motor carrier. A request to change a Safety Fitness Rating based on corrective action(s) cannot be made by a motor carrier and will not be acted upon by the CSP sooner than 90 days after the assignment of a proposed Safety Fitness Rating. The request must be submitted in writing and addressed to the Chief. The request must include the following information as it is relevant to the motor carrier:

- 9.4.1. A description of corrective action(s) taken by the motor carrier since the assignment of the Safety Fitness Rating.
- 9.4.2. A description of how the corrective action(s) address(es) each violation identified in the most recent Compliance Review as an acute and/or critical violation. The motor carrier must also address factor six (crashes) of the Compliance Review when the rating entered for factor six is "unsatisfactory."
- 9.4.3. An explanation as to why the violation(s) cited as acute and/or critical were permitted to occur.
- 9.4.4. The corrective action(s) taken by the motor carrier to ensure against these critical and/or acute violations in the future.
- 9.4.5. If factor six (crashes) is rated unsatisfactory, an accident countermeasure program must be included as part of the corrective action(s) addressed. The program must include, but not be limited to defensive driving training.
- 9.4.6. If the corrective action(s) include(s) action(s) to be taken shortly, such as training, reorganization of departments, purchasing of computer programs, etc., a schedule of when the corrective action(s) is to occur must be included.
- 9.4.7. Any additional documentation or information that relates to motor carrier safety, additional voluntary corrective action(s), and the prevention of crashes and hazardous materials incidents must be included.

9.4.8. A written statement certifying that the motor carrier will operate in compliance with the motor carrier safety and hazardous materials regulations adopted by the CSP under §§ 42-4-235 and 42-20-108, CRS, and all other relevant state and local laws.

9.4.9. The request must be signed by a corporate officer in the case of a corporation, a member or manager in the case of an LLC, by the general partner of a limited partnership, or by all partners or proprietors in the case of a general partnership or proprietorship.

9.5. MOTOR CARRIER REQUEST TO CHANGE SAFETY FITNESS RATING THROUGH COMPLIANCE REVIEW. A motor carrier may request a change in their Safety Fitness Rating by requesting a subsequent Compliance Review, as follows:

9.5.1. The request for a subsequent Compliance Review must be made to the Chief in writing.

9.5.2. The request cannot be made by the motor carrier and will not be acted upon by the CSP sooner than 90 days after the assignment of a proposed Safety Fitness Rating.

9.5.3. As part of the subsequent Compliance Review, a Compliance Review Investigator will review the corrective action(s) taken by the motor carrier since the last Compliance Review.

9.6. REQUEST FOR AN ADMINISTRATIVE REVIEW/COMPLIANCE REVIEW DOES NOT PREEMPT REQUESTS FOR OTHER ADMINISTRATIVE/COMPLIANCE REVIEWS. Requesting a review of a Safety Fitness Rating under Part 9.3 of these rules will not prevent a motor carrier from requesting a review of the same Safety Fitness Rating under Parts 9.4 or 9.5 of these rules. Conversely, a request to review initially under Part 9.4 will not preempt subsequent requests under Parts 9.3 or 9.5 nor will an initial request to review under Part 9.5 prohibit subsequent requests to review under Parts 9.3 or 9.4.

9.7. FINAL SAFETY FITNESS RATING ASSIGNMENT. Absent any request from a motor carrier to administratively review a Compliance Review resulting in the assignment of a Safety Fitness Rating or any other request to change a Safety Fitness Rating from a motor carrier, a Safety Fitness Rating becomes final on the 91ST day following its assignment.

MCS 10. COMPLIANCE REVIEWS AND CIVIL PENALTIES. Under §42-4-235 (2) (c), CRS, the CSP has the exclusive enforcement authority to conduct Compliance Reviews as defined in 49 CFR 385.3 and to impose sanctions on motor carriers in the form of Civil Penalties for violations discovered as a result thereof. §42-4-235 (2) (a), CRS, provides that any person who violates the rules adopted by the Chief under §42-4-235 (4) (a), CRS, is subject to the Civil Penalties authorized by 49 CFR 386, Subpart G. §42-4-235 (2) (a), CRS, authorizes the assessment of Civil Penalties against intrastate motor carriers determined to be operating in violation of these rules.

10.1. DETERMINATION OF CIVIL PENALTY ASSESSMENT. The amount of a Civil Penalty Assessment against an intrastate motor carrier is influenced by the Civil Penalties authorized by 49 CFR 386 Subpart G, as it is codified into §42-4-235 (2) (a), CRS. The following criteria are factors included in the determination of any intrastate Civil Penalty Assessment:

10.1.1. SCOPE OF REVIEW MAY NOT EXCEED 3 YEARS. Consistent with §42-4-235 (2) (b) (II), CRS, an authorized CSP Enforcement Official will not consider more than three years of a motor carrier's safety compliance history when determining a Civil Penalty Assessment.

10.1.2. APPLICABILITY OF 49 CFR 386 SUBPART G TO INTRASTATE MOTOR CARRIERS. As codified into law through §42-4-235 (2) (b) (I), CRS, 49 CFR 386 Subpart G applies to the determination of Civil Penalties assessed against intrastate motor carriers thus that:

10.1.2.1. The determination of an intrastate motor carrier Civil Penalty may include consideration of the nature and gravity of the violation(s) identified, the degree of culpability, and such other matters as justice and public safety may require.

10.1.2.2. The Civil Penalty Fine Schedules detailed within Appendices A and B to Subpart G of 49 CFR 386 are codified as a result of §42-4-235 (2) (a), CRS. These fine schedules provide guidance and support for the determination and calculation of Civil Penalty Assessments. The Civil Penalty Fine Schedules of Appendices A and B to Subpart G of 49 CFR 386 are incorporated into these rules as is consistent with §42-4-235 (2) (a), CRS.

10.1.2.3. Provisions of 49 CFR 386 Subpart G relating the amount of a Civil Penalty Assessment to the ability of a motor carrier to pay the assessment are explicitly excluded and are not considered when determining or assessing a Civil Penalty against an intrastate motor carrier.

10.1.2.4. The intrastate operation of implements of husbandry is exempted from and are not subject to the Civil Penalties that may be assessed under §42-4-235 (2) (a), CRS. §42-4-235 (2) (a), CRS, does not repeal, preempt, or negate any existing regulatory agricultural exemption that is extended to any vehicle operated intrastate consistent with §42-4-235 (2) (b) (III), CRS.

10.2. NOTICE OF CIVIL PENALTY ASSESSMENT (NOC). A Compliance Review may or may not result in the assessment of a Civil Penalty for violations discovered during a Compliance Review. If a Civil Penalty is assessed upon the completion of a Compliance Review, written notification of a Civil Penalty assessment will be served on a motor carrier in the form of a NOC.

10.3. MOTOR CARRIER RESPONSE TO CIVIL PENALTY NOC REQUIRED. A motor carrier must respond to the MCSS within 30 days of service of the NOC on the carrier by either:

10.3.1. Paying the full amount of the Civil Penalty as instructed in the NOC; or

10.3.2. Submitting a written request for a payment plan to the Commander of the MCSS; or

10.3.3. By submitting a written response requesting an administrative review of the Civil Penalty Assessment.

10.4. MOTOR CARRIER REQUESTS FOR ADMINISTRATIVE REVIEW OF CIVIL PENALTY ASSESSMENTS. If a motor carrier believes the CSP committed an error in the determination or assessment of a Civil Penalty, a motor carrier may request an administrative review. The following provisions apply to the administrative review process:

- 10.4.1.** A request for an administrative review of a Civil Penalty Assessment must be in writing and addressed to the Chief within 30 days of the service of the NOC.
- 10.4.2.** A request must explain the error the motor carrier believes the CSP committed in determining or assessing the Civil Penalty. The written request must include a list of issues in dispute and any supporting information or documentation.
- 10.4.3.** The Chief or his or her designee may request additional information and/or request the motor carrier to attend an administrative review conference to discuss the penalty. A motor carrier must respond within 30 days of any request for additional information and will receive at least 30 Days' notice of any scheduled administrative review conference. Notice will be in person, by certified mail, or upon the agreement of the parties, by email.
- 10.4.4.** The Chief or his or her designee will serve the motor carrier with a written decision within 30 days after the Chief or his or her designee has determined the administrative record is complete. An administrative record will not be determined complete before the end of any request or review conference and response period extended by the CSP to the motor carrier through 10.4.3.
 - 10.4.4.1.** The failure of a carrier to provide additional information as requested under 10.4.3. for purposes of an administrative review will be construed to mean the motor carrier has submitted their complete response.
- 10.4.5.** Within 30 days after service of the written decision of the Chief or his or her designee, a motor carrier may appeal a Civil Penalty Assessment. Appeals must be in writing and addressed to the Chief. Additionally, appeals of civil penalties following an administrative review must:
 - 10.4.5.1.** Be mailed to the Colorado State Patrol Motor Carrier Safety Section.
 - 10.4.5.2.** Include a copy of the letter outlining the decision reached by the administrative review completed by the Chief or his or her designee.
 - 10.4.5.2.** A statement specifically outlining the error the motor carrier believes the Colorado State Patrol made in its sanctioning of the motor carrier, either in the determination of the violations or the assessment of the Civil Penalty.
 - 10.4.5.3.** A list of any issues stipulated to, resolved, or upon which agreement was reached during the administrative review process.
 - 10.4.5.4.** A list of any issues upon which agreement was not reached and remained in dispute or that the motor carrier finds to be in error despite the administrative review process.

10.4.5.5. Whether the motor carrier is appealing the civil penalty in whole or in part and any legal documentation or authority available supporting or substantiating the motor carrier's position; and

10.4.5.6. Whether the motor carrier requests that the hearing be presided over by an Administrative Law Judge from the Office of Administrative Courts instead of the Chief of the CSP or his or her designee.

10.4.6. Absent a specific request otherwise, the Chief of the CSP or his or her designee may preside over a hearing appealing a Civil Penalty after an administrative review. The Chief or his or her designee may withdraw and request an Administrative Law Judge from the Office of the Administrative Courts to be assigned and continue the hearing unless the withdrawal of the Chief or his or her designee would make it impossible for the CSP to render a decision.

10.4.7. The Chief or the Administrative Law Judge will serve the parties with a written decision within 30 days after the Chief or the Administrative Law Judge has determined that the administrative hearing record is complete. Notice will be in writing and be made in person, or by certified mail, or by email upon agreement of the parties. This written decision will constitute a final agency action.

10.4.8. The motor carrier has 35 days from the date of A final agency decision to file an action in an appropriate district court under §24-4-106 (4), CRS.

10.5. MOTOR CARRIER FAILURE TO RESPOND OR COOPERATE. A Motor carrier who fails to cooperate with the completion of a Compliance Review or who fails to pay in full a Civil Penalty assessed consistent with these rules and §42-4-235 (2), CRS, is subject to additional statutory action.

10.5.1. Under §42-4-235 (2) (d) (I), CRS, the MCSS will forward to the CDOR the information of any motor carrier who does not cooperate with a request for a Compliance Review or who fails to pay a Civil Penalty Assessment in full 30 days subsequent notice of failure of a specified motor carrier to cooperate or pay.

10.5.2. The CDOR will take action against a motor carrier as authorized and required under §42-3-120, CRS.

MCS 11. INFORMATION ON THESE RULES. All contact with the CSP concerning these rules or their applicability should be addressed to:

Colorado State Patrol
Motor Carrier Safety Section
15075 S. Golden Rd.
Golden, CO., 80401-3990
(303)-273-1875 (Office)
(303)-273-1939 (Fax)
MCSAP@STATE.CO.US

MCS 12. INFORMATION MAINTENANCE AND REFERENCE OF PUBLICATIONS, STANDARDS, GUIDELINES AND RULES. All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules are on file and available for public inspection. These rules are available upon request from the MCSS AT 15075 S. Golden RD., Golden, CO., 80401-3990, during regular business hours and are also available online through the CDPS Rulemaking Information Website, [HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

- 12.1. AVAILABLE FOR PUBLIC INSPECTION AND REFERENCED CONSISTENT WITH STATUTE.** All publications, standards, guidelines, and rules adopted and incorporated by reference by these rules are available for examination at any state publications depository as required by §24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are adopted as each are amended by and within these rules and as is consistent with §24-4-103 (12.5), CRS. References here follow:

12.1.1. Commercial Vehicle Safety Alliance (2024), North American Standard Out-of-Service Criteria (OOSC). April 1, 2024. Greenbelt, MD: Author.

12.1.2. Federal Motor Carrier Safety Regulations, 49 CFR 40, 380, 382, 383, 385, 387, 390, 391-397, 399, and Appendix A (October 1, 2023). This information is also available online through the FMCSA website, [HTTPS://WWW.FMCSA.DOT.GOV/REGULATIONS](https://www.fmcsa.dot.gov/regulations).

12.1.3. Federal Motor Carrier Safety Regulations, 49 CFR 386, Subpart G, and Appendices A and B thereto as codified by §42-4-235 (2) (a), CRS. Appendices A and B to Subpart G of 49 CFR 386 may be found online through the FMCSA website, [HTTPS://WWW.FMCSA.DOT.GOV/REGULATIONS](https://www.fmcsa.dot.gov/regulations).

- 12.2. MAINTENANCE OF COPIES.** The CSP will maintain complete texts of each of the publications, standards, and guidelines referenced herein and these rules.

- 12.3. AVAILABILITY OF COPIES.** Interested parties may access information about referenced documents free of charge online. Interested parties may also inspect the referenced materials and/or obtain copies of any referenced publications, standards, or guidelines for a reasonable fee by contacting the CSP CRU. Copies of referenced publications, standards, and guidelines may also be available from the organizations or agencies of their origin.

12.3.1. Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, Maryland, 20770-6319. Phone: (301)-830-6143. Email: CVSAHQ@CVSA.ORG.

12.3.2. Federal Motor Carrier Safety Administration (FMCSA), 1200 New Jersey Ave., SE, Room W-65-206, Washington, DC, 20590. Phone: 1 (800)-832-5660. Website: WWW.FMCSA.DOT.GOV.

- MCS 13. SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.

- MCS 14. EFFECTIVE DATE.** The effective date of these rules is April 1, 2024.

Editor's Notes

History

Entire rule eff. 04/30/2007.

Entire rule eff. 08/30/2007.

Rules I, II, III, IV, V, VI eff. 04/30/2008.

Rules II, IV, V, VI eff. 03/02/2009.

Rules III (B), IV (C) eff. 05/30/2009.

Entire rule emer. rule eff. 08/05/2009.

Entire rule eff. 10/30/2009.

Entire rule eff. 04/30/2010.

Entire rule eff. 04/30/2011.

Entire rule eff. 04/30/2012.

Entire rule eff. 04/30/2013.

Entire rule eff. 04/01/2014.

Entire rule eff. 04/01/2015.

Entire rule eff. 03/30/2016.

Entire rule eff. 04/30/2017.

Rules III, IV.B, V.A, V.C, VI.B.2.a, VI.B.4.a, VI.B.5.b.iv, VII.B eff. 03/17/2018.

Entire rule eff. 03/17/2019.

Rules III, IV, V.A-V.A.4, V.A.16, V.B.4, VII.A, VII.B.2.h, VII.B.4.b.iv, VIII.B.1.a-b, VIII.B.2 eff. 04/01/2020.

Entire rule eff. 04/01/2021.

Rules 4.2, 4.3, 5.1, MCS 6, 9.6.5, 9.7.3, 9.10.1, 9.12.3, 9.16, MCS 11, 11.1.1, 11.1.2, 11.3.1 eff.
04/01/2022.

Entire rule eff. 03/31/2023.

Entire rule eff. 04/01/2024.