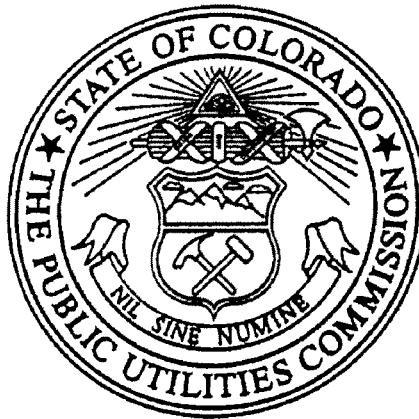


MOVER RULES
of the
RULES REGULATING TRANSPORTATION
BY MOTOR VEHICLE



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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 address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, and limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport). In addition, these rules cover motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a.

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), 40-10.1-101 through 507;42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

MOVER RULES

6600. Applicability of Mover Rules.

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

6601. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these mover rules:

- (a) "Accessorial service" means "accessorial service" as that term is defined in § 40-10.1-501(1), C.R.S.
- (b) "Contract" means a written document, approved by the shipper in writing before the performance of any service, that authorizes services from the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.
- (c) "Estimate" means a written document that sets forth the total costs and the basis of such costs related to a shipper's move, including transportation or accessorial services. An estimate is not a contract.
- (d) "Shipper" means a person who uses the services of a mover to transport or ship household goods.
- (e) "Storage" means warehousing of the shipper's goods while under the care, custody, and control of the mover.

6602. Permit Requirement and Limitation.

No person shall operate, offer to operate, or advertise as a mover without a valid permit issued by the Commission or a temporary mover permit issued through the Colorado Ports of Entry.

6603. Application.

- (a) Any person seeking a permit to operate as a mover shall submit a completed application on the form provided by the Commission.
- (b) A person seeking a permit to operate as a mover under this rule shall:
 - (I) cause to be filed the required proof of financial responsibility;
 - (II) if applicable, demonstrate compliance with the UCR Agreement; and
 - (III) pay an annual filing fee of \$325.00, as set forth in § 40-10.1-111(1)(d), C.R.S.
- (c) The Colorado Department of Revenue, Motor Carrier Services Division, through its Port of Entry weigh stations may issue a non-renewable temporary mover permit, valid for 15 consecutive days, to a person who:
 - (I) completes the temporary mover application form provided by the Commission;

- (II) provides evidence of financial responsibility as required by § 40-10.1-107, C.R.S.;
- (III) signs a verification, under penalty of perjury as specified in § 24-4-104(13)(a), C.R.S., that the applicant is insured as required by § 40-10.1-107, C.R.S.; and
- (IV) pays a fee of \$150.00.

6604. [Reserved].

6605. Movers — Annual Permit.

Annual permits are valid for one year from the date the permit is issued.

6606. [Reserved].

6607. Forms of Payment.

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

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

6608. Estimates and Contracts.

- (a) Estimates. A mover shall provide a written estimate of the total costs, and the basis for such costs, to be incurred by the shipper at least 24 hours prior to a scheduled move, unless the move is initiated less than 24 hours before the commencement of the move.
- (b) A mover cannot charge more than 110 percent of the estimate.
- (c) Contracts. Prior to providing any transportation or accessorial services, a mover shall leave with the prospective shipper, a contract that complies with the form available from the Commission. Such document shall be signed and dated by the shipper and the mover, and shall clearly and conspicuously include at least the following information:
 - (I) The name, telephone number, and physical address where the mover's employees are available during normal business hours;
 - (II) The mover's mailing address on file with the Commission;
 - (III) The phrase "[name of mover] is registered with the Public Utilities Commission of the State of Colorado as a mover. Permit No. [mover's permit number] ."
 - (IV) The date the document is prepared and any proposed date of the move;
 - (V) The name and address of the shipper;

- (VI) The addresses where the goods are to be picked up and delivered;
- (VII) A telephone number where the shipper may be reached, if available;
- (VIII) A mailing address where the shipper can receive notices from the mover, if available;
- (IX) The name, telephone number, and physical address of a location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper;
- (X) An itemized breakdown and description of:
 - (A) all costs and/or rates including, if applicable, an explanation of the hourly amounts charged and/or amounts charged based on the weight of the load,
 - (B) services for transportation, and
 - (C) accessorial services to be provided during a move or during the storage of household goods;
- (XI) The forms of payment the mover accepts pursuant to rule 6607; and
- (XII) The cargo valuation options available to the shipper, including at least the following two options:
 - (A) Released Value Option. This option shall allow the calculation of the value of loss or damage to household goods shipments to the lesser of:
 - (i) a value equal to sixty cents (\$0.60) per pound per lost or damaged article; or
 - (ii) the value of the lost or damaged article, less depreciation for age and wear.
 - (B) Full Replacement Cost Option. This option shall allow the shipper to recover the full replacement cost for loss or damage to household goods shipments. This option shall:
 - (i) require the shipper to declare the value of the shipment;
 - (ii) permit the shipper to specify a deductible;
 - (iii) provide that the mover will be liable for the full replacement cost of each lost or damaged article up to the declared value of the shipment;
 - (iv) permit the shipper to purchase additional insurance coverage from the mover's insurance company; and
 - (v) explain that, without the purchase of additional coverage, the shipper will be liable for any declared amount not covered by the mover's insurance or surety company. However, if the shipper declares a value that is less than the value of the shipment, the mover's liability for each lost or damaged article will not exceed the proportional value of the article when compared to the declared value of the entire shipment.

- (d) More comprehensive contract. Nothing in this rule shall be construed to preclude the mover and the shipper from entering into a more comprehensive contract. However, the mover shall not enter into any more comprehensive contract containing provisions that conflict with the provisions of this rule.
- (e) Amendment. The contract may be amended at any time upon mutual agreement of the mover and the shipper. An amendment of the contract shall not be valid or enforceable unless, without duress or coercion as per Colorado law, both the mover and the shipper sign such amendment. A mover shall not charge, collect, or retain any increased costs and/or rates contained in an amendment if the amendment is not signed by both parties or is obtained by duress or coercion. The mover shall leave with the shipper a copy of the amendment.

6609. Consumer Advisement and Binding Arbitration

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

CONSUMER ADVISEMENT

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

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

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

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

Additional services you request at the time of the move;

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

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

Changes to the previously agreed date of pickup or delivery.

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

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

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

Signed _____ (shipper). Date _____

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

6610. Delivery and Storage of Household Goods.

- (a) Pursuant to § 40-10.1-506(1), C.R.S., a mover shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or goods for use by children, including children's furniture, clothing, or toys under any circumstances. The mover shall relinquish such items as expeditiously as possible under the circumstances.
- (b) A mover shall relinquish household goods to a shipper and shall place the goods inside a shipper's dwelling unless:
 - (I) the shipper has not tendered payment in the amount and in the acceptable form specified in the contract; or
 - (II) the shipper or the shipper's agent is not available to accept delivery of the household goods at the agreed upon date, time, and location.
- (c) If, pursuant to paragraph (b) of this rule, a mover maintains possession of a shipper's household goods, such mover may place the household goods in storage until payment is tendered. Such storage shall only be at the location specified in the contract unless, for good cause and in good faith, the mover is required to store the household goods at a location other than that specified in the contract. If the mover stores the household goods at such an alternate location, the mover:
 - (I) shall mail to the shipper a notice of such alternate storage location within two business days.
 - (II) may only charge additional fees for such alternate storage (e.g., in excess of those set forth in the contract) unloading services, and reloading services, if:
 - (A) such additional fees are reasonable; and
 - (B) storage at the alternate storage location is necessitated by some act or omission of the shipper, or is necessitated by circumstances beyond the control of the mover.
- (d) Notwithstanding any other provision of this rule, upon written request from the shipper, the mover shall notify the shipper of the storage location and the amount due. Such notice shall be given within five days of receipt of the written request.
- (e) If a mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the mover shall take reasonable care to ensure the safekeeping of such household goods.
- (f) A mover shall not require a shipper to waive any rights or requirements under this rule.

6611. Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100.00 for each violation of:

- (I) § 40-10.1-502(1), C.R.S., with regard to operating, offering service, or advertising without being registered, or rule 6602;
 - (II) § 40-10.1-505(1), C.R.S., or paragraph 6608(c), with regard to providing the shipper with a contract prior to providing transportation or accessorial services;
 - (III) paragraphs 6608(a), (b), and (e); or
 - (IV) § 40-10.1-506(1) or (2), C.R.S., or paragraph (a) or (b) of rule 6610.
- (b) A person who violates any of the following provisions may be assessed a civil penalty of up to \$550.00 for each violation of paragraph (c), (d), (e), or (f) of rule 6610.
- (c) Except as provided for in paragraph (a) and (b) of this rule, a person who violates any provision of Title 40, C.R.S., pertaining to movers, or any provision of rules 6600 through 6610 may be assessed a civil penalty of up to \$275.00 for each violation.

6612. – 6699. [Reserved].
