

ORIGINAL

Decision No. 43309

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application for)
a Highway Contract Carrier Permit and)
a Radial Highway Common Carrier Permit)
by ELLIS HARTWICK, doing business as)
HARTWICK TRUCKING COMPANY.)

Application No. 3-115
Application No. 3-116

Nat Brown, Sr., for applicant.

O P I N I O N

Ellis Hartwick, doing business as Hartwick Trucking Company, has applied for a highway contract carrier permit and a radial highway common carrier permit. A public hearing was held before Examiner Gannon at Stockton on July 14, 1949, at the conclusion of which the matter was submitted.

Applicant is engaged chiefly in the hauling of lumber and operates three trucks and three trailers. He was first granted a permit as a contract carrier on November 29, 1938, which was revoked November 9, 1943, for failure to maintain adequate insurance on deposit with the Commission. Thereafter, he was subjected to three revocations, the last one on March 1, 1949, for the same reason. The March 1 revocation followed written notice from the Commission on February 18, 1949, that unless adequate insurance was filed before March 1, 1949, his permit would be revoked. There was no response to said notice, and notice of revocation was accordingly mailed to him on March 8, 1949 (Exhibit No. 2). This notice included a warning that applicant was to discontinue all operations as such carrier.

Despite all notices and warnings, applicant continued to

operate. Investigation by the Field Division indicates continuous operations since April 25, 1949. In addition to his failure to comply with the insurance provisions of the law, the applicant is involved in other offenses. On June 9, 1949, he was arrested at Stockton for violation of Section 3 of the Highway Carriers' Act (operating without a permit), entered a plea of guilty in the Justice's Court, and was fined \$100. Previously he had been arrested at Modesto, pled guilty to violation of the same section, and was fined \$50. All of these offenses were admitted by applicant in his testimony at the hearing.

Applicant admitted that his operations were not within the scope of a highway contract carrier permit, and at the hearing filed an application for a radial highway common carrier permit also. It was stipulated that the record as made would apply to the application for a radial permit.

It is apparent from the record in this proceeding that applicant is guilty of violating Section 5 of the Highway Carriers' Act in that he has failed to keep on deposit with the Commission continuous adequate insurance. He continued to operate after receiving notice of revocation, dated March 8, 1949, in violation of Section 3 of the Act.

The record in this proceeding clearly establishes the applicant's willful violation of the provisions of the law governing his operations. These violations are of such a nature that the Commission cannot close its eyes to the gravity of the offenses which the applicant readily admitted. Based on the record herein, the Commission finds that applicant operated in violation of the Highway Carriers' Act by failure to maintain continuous and adequate

insurance, and by operating without a permit. The applications will be denied.

O R D E R

Applications as above entitled having been filed, a public hearing having been held, the matter having been submitted and the Commission being fully advised in the premises,

IT IS ORDERED that the applications of Ellis Hartwick for a highway contract carrier permit and a radial highway common carrier permit be, and they hereby are, denied.

The effective date of this order shall be 20 days after the date hereof.

Dated at Los Angeles, California, this 20th day of September, 1949.

R. T. Dunning
Justice F. Green
James D. [unclear]
Harold F. Kila
Genevieve [unclear]
COMMISSIONERS