

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution CE 10-90  
Transportation Division**R E S O L U T I O N****RESOLUTION PROVIDING FOR THE IMPOSITION OF A FINE AGAINST HOUSEHOLD GOODS CARRIERS AND CHARTER-PARTY CARRIERS OF PASSENGERS WHO ADVERTISE WITHOUT HOLDING VALID OPERATING AUTHORITY FROM THE COMMISSION.**

**WHEREAS:** Sections 5313.5 and 5413.5 of the Public Utilities Code authorize the Commission, after hearing, to impose a fine not exceeding \$5,000 per violation against a person or corporation found operating as a household goods carrier or a charter-party carrier of passengers without a valid certificate or permit from the Commission. The statutes also provide that the Commission may assess an additional amount sufficient to cover the reasonable expense of investigation; and

**WHEREAS:** Section 5313.5 has been amended by SB 2155 (Stats. 1990, Ch. 373), effective January 1, 1991, to provide that the Commission may also impose the fine of not more than \$5,000 per violation upon a person or corporation holding itself out as a household goods carrier without a valid permit issued by the Commission in contravention of PU Code Section 5314.5; and

**WHEREAS:** Section 5413.5 has been amended by AB 1506 (Stats. 1990, Ch. 518), effective August 13, 1990, to provide that the Commission may also impose the fine of not more than \$5,000 per violation upon a person or corporation which fails to include a permit number in any advertisement of charter-party services as required by PU Code Section 5386; and

**WHEREAS:** By Resolution CE 4-87, dated April 8, 1987, the Commission authorized the staff to administratively fine unlicensed household goods carriers and charter-party carriers of passengers carriers under Sections 5313.5 and 5413.5; and

**WHEREAS:** The courts have held that where a statute requires a hearing, the hearing may be waived by a party for whose benefit the requirement was imposed; and

**WHEREAS:** Under the existing informal citation forfeiture procedure the offender can either agree to comply with the citation and pay the fine, or deny the allegation; and

**WHEREAS:** The staff citation form includes a notice that the accused who denies the allegation may request a hearing and a formal decision by the Commission; and

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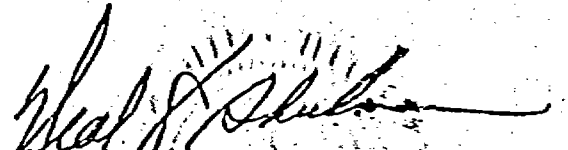
**WHEREAS:** The informal citation forfeiture procedure affords the offender a speedy and inexpensive means of disposing of the violation;

**THEREFORE, IT IS ORDERED that:**

1. Resolution CE 4-87 giving the staff the authority to administratively fine household goods carriers and charter-party carriers of passengers operating without a valid valid permit or certificate will remain in effect.
2. Effective January 1, 1991, the staff may use the citation forfeiture procedure to fine household goods carriers who by any written or oral advertisement hold themselves out to serve the public without having a valid permit from the Commission in contravention of PU Code Section 5384.5.
3. Effective immediately, the staff may use the citation forfeiture procedure to fine charter-party carriers of passengers who because of their unlicensed status fail to include a permit or certificate number in any written or oral advertisement of their services as required by PU Code Section 5386.
4. The maximum fine which the staff is authorized to impose under this procedure is \$5,000 per violation up to a maximum of \$10,000 for multiple violations by a single offender.
5. In addition to a fine, the staff may assess a charge for investigative expense in accordance with Resolution CE 4-87.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on SEP 23, 1990, 1990. The following Commissioners approved it:

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
PATRICIA M. ECKERT  
Commissioners

  
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Executive Director

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.