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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution CE 4-87
Transportation Division

R E S O L U T I O N

RESOLUTION IMPLEMENTING ASSEMBLY BILL 3211,
STATUTES OF 1986, CHAPTER 506

WHEREAS: A.B. 3211, Stats. 1986, Ch. 506 added Sections 3801.5, 5313.5, and 5413.5 to the Public Utilities Code which authorize the Commission, after hearing, to impose a fine not exceeding \$5000 per violation against a person or corporation found operating as a highway permit carrier, household goods carrier, or a charter-party carrier of passengers without a valid certificate or a permit from the Commission. The statute also provides that the Commission may assess an additional amount sufficient to cover the expenses of the investigation; and

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

WHEREAS: Under the existing informal citation forfeiture procedure the offender could either admit the violation and pay a 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

WHEREAS: The informal citation forfeiture procedure affords the offender a speedy and inexpensive administrative process; and

WHEREAS: The Department of Personnel Administration's regulations provide hourly rates for various salary scales;

THEREFORE, IT IS ORDERED that:

1. The Transportation Division staff shall dispose of violations of the licensing requirements of the Highway Carriers' Act, the Household Goods Carriers Act, or the Charter-Party Carriers' Act either through the court system or administratively before the Commission. The staff shall process the violation before the Commission initially through the informal citation forfeiture procedure.

2. Upon denial of the allegation contained in the staff citation by the accused, or the failure of the accused, who, after admitting to the allegation, fails to pay the fine the Transportation Division, through the Legal Division, may request the Commission to issue an order instituting investigation. The staff may, at the same time, request the Commission to issue a temporary cease and desist order.
3. To recover the cost of the investigation, the staff may impose the hourly rate of field investigators as set by the Department of Personnel Administration.

This resolution is effective today.

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held
APR 8 1987
_____ . The following Commissioners voted favorably:

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. CHANIAN
Commissioners



Executive Director