

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution CE 6-89 **
 Transportation Division
 June 21, 1989

RESOLUTION

(RESOLUTION PROVIDING FOR THE IMPOSITION OF A FINE UPON)
 (CARRIERS OF PASSENGERS AND PROPERTY WHO USE MOTOR)
 (VEHICLES IN THEIR FOR-HIRE OPERATIONS AND WHO FAIL TO)
 (LIST SUCH VEHICLES WITH THEIR INSURANCE CARRIER.)

The Commission approved the informal citation forfeiture procedure on February 10, 1970 as an inexpensive and speedy means to dispose of violations of the Public Utilities Code by motor carriers of passengers and property. Due process is afforded by giving carriers who deny the citation the opportunity to be heard in a formal proceeding. The Commission, from time to time, has expanded the use of this procedure to include new statutory requirements imposed upon these carriers. Resolution CE 4-87, which was adopted April 8, 1987, to implement Chapter 506, Statutes of 1986, explains the procedures involved in disposing of violations through the citation forfeiture procedure.

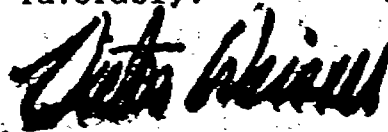
The Public Utilities Commission Enforcement Act of 1988 (Assembly Bill 3489, Chapter 916) directed the Commission to send a list of equipment used by each motor carrier of passengers or property (except highway common carriers and cement carriers which were excluded from the legislation) during the preceding year to the operator's insurance company. If the carrier's insurer informs the Commission that the carrier has failed to obtain insurance coverage for any vehicle reported on the list, the Commission may for the first occurrence suspend the carrier's operating authority or impose a fine, or both, and for a second or subsequent occurrence may suspend or revoke the authority or impose a fine, or both. While the PU Code Sections enacted by AB 3439 do not state the maximum fine that may be imposed, such amount is currently set forth in PU Code Sections 1033.5, 3774, 5285, or 5378(b).

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The staff of the Transportation Division is hereby authorized to use the informal citation forfeiture procedure to impose fines on motor carriers of passengers and property (other than highway common carriers and cement carriers) whose list of vehicles used in transportation for compensation during the preceding year includes any vehicle for which the carrier has failed to obtain insurance coverage. Such fines shall not exceed \$2,500 for the first occurrence and a sum not exceeding \$5,000 for the second or subsequent occurrence.

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 on JUN 21 1959.

The following Commissioners voted favorably.



Victor Weisser
Executive Director

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