



Harjit Singh, doing business as Herry Bros. Trucking (Respondent), whose mailing address is 3444 Monroe Street, Apt. 1, Santa Clara, California 95051, was engaged in the business of transporting property over the public highways of this state for compensation during 1995. Respondent operated with a Dump Truck Carrier permit issued November 23, 1992 (T-175587). His operations were subject to the applicable provisions of the Public Utilities Code.

Section 3611 of the Public Utilities Code stated that no dump truck carrier could transport property for hire without a permit in force for those operations. Section 3631 required proof of liability insurance to be on file with the Commission in order to have a permit in force. Section 3634 required the insurance to remain in effect during the active life of the permit. The Commission's General Order 100 directed staff to suspend the permit of any carrier whose proof of insurance had been cancelled. Section 3775 specifically provided that highway permit carriers were not to operate while their permits were suspended.

On July 25, 1995, the Commission, through its Safety and Enforcement Division, ordered the Respondent's permit suspended for failure to maintain evidence of liability insurance coverage on file with the Commission. It was reinstated in August, 1995. Subsequently, Safety and Enforcement Division staff conducted a review of Respondent's records to determine whether Respondent had performed for-hire transportation during the period of suspension. Although the Respondent stated that he had been out of the United States and had not operated or needed liability insurance during the period of suspension, staff's investigation produced evidence that the Respondent had allegedly continued to conduct for-hire operations without authority and without any accident liability coverage throughout the period of suspension ordered by the Commission, in violation of Sections 3611 and 3775 of the Public Utilities Code.

We have authority to impose penalties for these apparent violations. Operating on the state's highways without authority from the Commission and particularly without evidence of accident liability insurance was an unlawful act that placed Californians at risk. Thus violations such as those identified in the staff's investigation have serious implication for public safety. Additionally, we are concerned that Respondent may have impeded the staff's investigation by falsely declaring that he was out of the country when the operations allegedly occurred, and by failing to respond to our investigator's attempts to contact him and examine his records. Our records reveal that, pursuant to Vehicle Code Section 34620(b), Respondent continues to have authority to operate as a motor carrier of property based on the insurance filing made with this Commission under our General Order 100-Series. Thus, our G.O. 100 continues to govern the requirement that Respondent maintain proof of liability insurance on file in order to continue lawful operations.

Good cause appearing; therefore,

IT IS ORDERED that an investigation on the Commission's own motion is hereby instituted into the operations and practices of Respondent, Harjit Singh, doing business as Herry Bros. Trucking, for the purpose of determining:

1. whether Respondent violated Public Utilities Code Sections 3611 and/or 3775 by conducting for-hire operations while his operating authority was suspended for failure to have liability insurance on file with the Commission;
2. whether a fine should be imposed pursuant to Public Utilities Code Sections 3774, 3801, 3801.5, 3805 and/or 3806 which were in full force and effect at the time of the violations or pursuant to any other provision of law;
3. whether any other orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

A public hearing before an Administrative Law Judge shall be set in this matter, at a time, date and place to be determined, at which time all interested parties may appear and be heard.

The Executive Director is directed to cause a copy of this order to be personally served upon Respondent, Mr. Harjit Singh, doing business as Herry Bros. Trucking, 3444 Monroe Street, Apt. 1, Santa Clara, CA 95051. If personal service cannot be made on Respondent, despite diligent efforts, then service may be made by mailing a copy by certified mail to the Respondent at his last official address of record reported to the Commission.

This order is effective today.

Dated December 20, 1996, at San Francisco, California.

P. GREGORY CONLON  
President  
DANIEL WM. FESSLER  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners