

IT IS ORDERED that:

1. The Executive Director is authorized to suspend and revoke the operating authority of highway carriers upon written notice that a carrier's corporate powers, rights, and privileges have been suspended by the Office of the Secretary of State.
2. The Executive Director may reinstate operating authorities which have been revoked under this resolution upon written notice that the carrier's corporate powers, rights, and privileges have been reinstated by the Secretary of State and receipt of a reinstatement fee of \$125 from the carrier for each certificate or permit to be reinstated.
3. Each such order of suspension and revocation shall recite that it was issued pursuant to this resolution. Each such order of suspension when signed by the Executive Director, shall be deemed to be the order of the Commission.
4. A carrier may appeal any action taken pursuant to this resolution by filing an application with the Commission pursuant to the Commission's Rules of Practice and Procedure.

I certify that the foregoing Resolution was duly introduced, passed and adopted at a meeting of the Public Utilities Commission of the State of California, held on MAR 28 1997. The following Commissioners voted favorably.

Commissioner John B. Ohanian,  
present but not participating.

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



Executive Director

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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution 18241  
Transportation Division

( RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUSPEND AND REVOKE )  
( THE OPERATING AUTHORITY OF HIGHWAY CARRIERS WHOSE CORPORATE POWERS, )  
( RIGHTS, AND PRIVILEGES HAVE BEEN SUSPENDED BY THE CALIFORNIA )  
( SECRETARY OF STATE )

From time to time, the Office of the California Secretary of State informs the Commission staff that the corporate powers, rights, and privileges of a highway carrier holding operating authority granted by this Commission have been suspended pursuant to Section 23302 of the Revenue and Taxation Code. Upon receipt of written notice from the Secretary of State of such suspension, the staff prepares a separate resolution for Commission action suspending the operating authority of the carrier involved. Because of scheduling requirements, a month or more may pass before the Commission approves a resolution suspending the carrier's operating authority; during such time the carrier may be operating regardless of the Secretary of State's action.

Suspension of carrier operating authorities by the Commission under the above circumstances is purely a ministerial function which should not burden the Commission's time. This task can be delegated to the Executive Director.

Findings of Fact

1. Under Section 23302 of the Revenue and Taxation Code, the California Secretary of State is empowered to suspend the corporate powers, rights, and privileges of highway carriers who hold operating authority granted by the Commission.
2. Highway carriers are prohibited from operating under authority granted by the Commission when they have been suspended by the Secretary of State.
3. Suspension, revocation and reinstatement of operating authority held by highway carriers who have had their corporate powers, rights, and privileges suspended by the Secretary of State is a ministerial function.

Conclusion of Law

The Executive Director should be authorized to suspend and revoke the operating authority of highway carriers when their corporate powers, rights, and privileges have been suspended by the Office of the Secretary of State, and to reinstate the operating rights when the Office of the Secretary of State has vacated its suspension.