

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION TL-18424
TRANSPORTATION DIVISIONR E S O L U T I O N

RESOLUTION AMENDING TL-18329 TO IMPLEMENT REVISED PROCEDURES FOR DETERMINING "OWNER-OPERATOR" STATUS UNDER P.U. CODE SECTION 3557 WHERE CPUC OPERATING AUTHORITY IS HELD IN THE NAME OF A PARTNERSHIP.

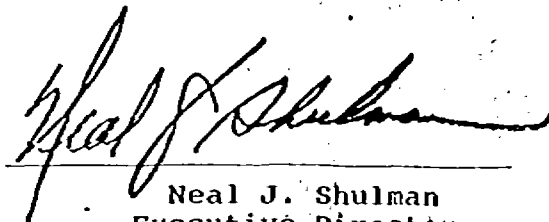
In 1988 the California Legislature enacted Public Utilities (P.U.) Code § 3557 as part of Chapter 1586 (A.B. 2706, Katz). The Legislature amended § 3557 in 1989 (Chap. 1216, A.B. 2097, Lempert). PU Code § 3557 requires the Public Utilities Commission to periodically submit a list of owner-operators, along with their driver's license numbers, to the Department of Motor Vehicles (DMV). The statute also mandates that the Commission suspend owner-operator authority(s) when notified by the DMV that the owner-operator's driving privilege has been suspended or revoked, unless the carrier within 15 days shows good cause as to why the operating authority should not be suspended.

Pursuant to Resolution TL-18329, we have implemented P.U. Code § 3557 so as to include as "owner-operators" certain persons who hold operating authority from the Commission in the name of a partnership. The California Highway Patrol (CHP) is responsible for implementing Vehicle Code § 1808.1, which requires certain persons to enroll in the DMV's pull notice program but exempts owner-operators as defined in P.U. Code § 3557. The CHP has asked us to review our implementation of P.U. Code § 3557 as it relates to partnerships, so as to ensure a uniform interpretation of the statute. Having conducted this review, we agree with the CHP that where a partnership holds CPUC operating authority and the partnership owns, leases, or otherwise operates not more than one heavy power unit and not more than three towed vehicles, and one or more of the partners holds a Class I, II, A, or B driver's license, then P.U. Code § 3557 applies. We will direct Staff to revise its "Questionnaire as Mandated by P.U. Code Section 3557" accordingly.

IT IS ORDERED THAT:

Staff shall revise its "Questionnaire as Mandated by P.U. Code section 3557" so as to include as owner-operators persons who hold operating authority from the Commission in the name of a partnership only when the partnership owns, leases, or otherwise operates not more than one heavy power unit and not more than three towed vehicles, and one or more of the partners holds a Class I, II, A, or B drivers's license.

I hereby certify that the foregoing resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the Public Utilities Commission of the State of California, held on May 8, 1991.
The following Commissioners voted favorably.



Neal J. Shulman
Executive Director

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners