

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TE-220542
Blessed Limousine, Inc.	ORDER 01
in the amount of \$100	DENYING REQUEST FOR HEARING; DENYING CONTEST OF VIOLATIONS

BACKGROUND

- 1 On August 5, 2022, the Washington Utilities and Transportation Commission (Commission) assessed a \$100 penalty (Penalty Assessment) against Blessed Limousine, Inc., (Blessed Limousine or Company) for one violation of Washington Administrative Code (WAC) 480-30-221, which adopts by reference Title 49 Code of Federal Regulations (C.F.R.).¹ The Penalty Assessment includes:
- A \$100 penalty for one violation of 49 C.F.R. § 383.23(a)(2) for allowing a driver to operate a commercial motor vehicle without a commercial driver’s license (CDL).
- 2 On August 18, 2022, Blessed Limousine filed with the Commission a response contesting the violation (Application) and requesting a hearing to present evidence. In the Application, Blessed Limousine failed to provide any reason supporting its request for a hearing or any explanation regarding the violation or the Company’s grounds to contest it.
- 3 On August 23, 2022, Commission staff (Staff) filed a response recommending the Commission deny the Application.

DISCUSSION AND DECISION

- 4 Washington law requires passenger transportation companies to comply with federal safety requirements and undergo routine safety inspections. Violations discovered during

¹ WAC 480-30-221 adopts by reference sections of Title 49 C.F.R. Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of 49 C.F.R.

safety inspections are subject to penalties of \$100 per violation.² In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.³ Violations defined by federal law as “critical,” which are indicative of a breakdown in a carrier’s management controls, meet this standard.⁴

5 As a preliminary matter, we deny the Company’s request for a hearing. Pursuant to WAC 480-07-915(3)(b), “[t]he penalized person may submit written materials to contest the penalty assessment and may request that the commission make a determination based on those materials or may request the opportunity to present facts described in those materials through evidence at a hearing.” The Penalty Assessment accordingly advised the Company that a request for hearing would be denied if the Company failed to include reasons supporting such request in the Application. The Company, however, failed to provide any explanation or information to dispute the violation as required by Commission rule and the Penalty Assessment. Accordingly, the Company’s request for a hearing is denied.

6 The Penalty Assessment includes a \$100 penalty for one violation of 49 C.F.R. § 383.23(a)(2) because the Company allowed a driver without a CDL to operate a commercial motor vehicle.

7 Staff recommends the Commission deny the contest of this penalty because the Company failed to provide any evidence to refute that the violation occurred. We agree. The investigation showed that the driver was operating a commercial motor vehicle without a valid CDL. We agree with Staff that the evidence supports the penalty and that the penalty is consistent with the Commission’s enforcement policy.

8 We will, however, construe the Company’s submission as a request for mitigation. The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that

² See RCW 81.04.405.

³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

⁴ 49 C.F.R. § 385, Appendix B.

convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.⁵

9 Here, the Company did not introduce any new information that would warrant mitigation of the penalty. Companies that allow drivers to operate commercial motor vehicles without a valid CDL put their customers and the traveling public at risk. It is the Company's responsibility to ensure that all drivers employed by the Company maintain a valid CDL. Accordingly, we find that the Commission properly penalized Blessed Limousine for the violation, and the Company's request for mitigation should be denied.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including passenger transportation companies, and has jurisdiction over the parties and subject matter of this proceeding.
- 11 (2) Blessed Limousine is a passenger transportation company subject to Commission regulation.
- 12 (3) Blessed Limousine violated 49 C.F.R. § 383.23(a)(2) when it allowed its driver to operate a commercial motor vehicle without a valid CDL.
- 13 (4) Blessed Limousine should be penalized \$100 for one violation of 49 C.F.R. § 383.23(a)(2).

ORDER

THE COMMISSION ORDERS:

- 14 (1) Blessed Limousine, Inc.'s contest of the violation is DENIED.
- 15 (2) The penalty is due and payable no later than September 21, 2022.

⁵ Enforcement Policy, at ¶19.

16 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-903(2)(e).

DATED at Olympia, Washington, and effective September 8, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.