



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

April 3, 2019

Mark L. Johnson, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Renzenberger, Inc., d/b/a Hallcon*  
Commission Staff's Response to Contest of Violations  
Docket TH-190073

Dear Mr. Johnson:

On March 13, 2019, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against Renzenberger, Inc., d/b/a Hallcon (Hallcon or company) in the amount of \$200 for violations of Washington Administrative Code 480-62-278, Contract Crew Transportation Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (CFR) Part 395 – Hours of Service of Drivers, as follows:

- **30 violations of Title 49 CFR Part 395.8(a) – Failing to require driver to make a record of duty status.** Hallcon allowed its driver Lue Gene Florence to drive without making a record of duty status on 30 occasions between July 18, 2018, and August 16, 2018.<sup>1</sup>
- **17 violations of Title 49 CFR Part 395.5(b)(2) – Requiring or permitting a passenger-carrying motor vehicle driver to drive after having been on duty more than 70 hours in eight consecutive days.** Hallcon allowed its driver Lue Gene Florence to drive in violation of the 70 hour rule on 17 occasions between July 25, 2018, and August 16, 2018.<sup>2</sup>

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<sup>1</sup> The driver, Mr. Florence, failed to record hours on duty working for another employer.

<sup>2</sup> Mr. Florence exceeded the 70-hour rule by working for another employer.

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On March 26, 2019, Hallcon filed a response contesting the violations outlined in the penalty assessment. In its response, the company provided a table documenting Mr. Florence's hours of service between July 18, 2018, and August 16, 2018. The hours recorded in the table suggest that Mr. Florence's total hours worked for Hallcon did not exceed the 70-hour rule, in CFR Part 395.5(b)(2); however, the company failed to provide any evidence pertaining to the driver's hours worked for another employer.

Because the company failed to document Mr. Florence's on-duty hours worked for another employer, the driver's timesheet did not contain true and accurate time records. This disqualified the driver from the short-haul provision under CFR Part 395.1(e), and required the driver to complete a record of duty status. In its response, the company failed to address the violation of failing to require its driver to make a record of duty status, as required in CFR Part 395.8(a).

**Staff Response:** The table provided by the company fails to account for the hours Mr. Florence worked for another employer. Because there are no material issues of law, and because the company failed to provide any evidence to refute the violations, staff believes that the evidence supports the violations and that the penalty amount is appropriate.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Consumer Protection, at (360) 664-1320, or by email at [jason.hoxit@utc.wa.gov](mailto:jason.hoxit@utc.wa.gov).

Sincerely,



Bridgit Feeser  
Assistant Director, Consumer Protection