

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

SPOKANE LIMOUSINE, D/B/A
BLACK TIE LIMO SERVICE; BLACK
TIE LIMOUSINE SERVICE,

in the amount of \$1,200

DOCKET TE-210961

ORDER 01

GRANTING MITIGATION TO \$600

BACKGROUND

- 1 On December 30, 2021, the Washington Utilities and Transportation Commission (Commission) assessed a \$1,200 penalty (Penalty Assessment) against Spokane Limousine, LLC, d/b/a Black Tie Limo Service; Black Tie limousine Service (Spokane Limousine or Company) for 12 violations of Washington Administrative Code (WAC) 480-30-221, which adopts by reference sections of Title 49 Code of Federal Regulations (C.F.R.).¹ The Penalty Assessment includes a \$1,200 penalty for twelve violations of 49 C.F.R. Part 391.45(a) for using a driver not medically examined and certified.
- 2 On January 6, 2022, the Company responded to the Penalty Assessment, requesting mitigation of the penalty amount, and requesting the Commission issue a decision based on the written information provided. In its response, the Company admitted to the violations, but stated that it had taken action to rectify the violations and prevent recurrence.
- 3 On January 13, 2022, Staff filed a response recommending the Commission grant mitigation, in part. Staff recommends the penalties be reduced by half, and that the Commission impose a total penalty of \$600.

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.

DISCUSSION AND DECISION

- 4 Washington law requires passenger transportation companies to comply with federal safety requirements and undergo routine safety inspections. Violations discovered during 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” meet this standard.⁴
- 5 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 convince the Commission that a lesser penalty will be equally or more effective in ensuring the company’s compliance.⁵
- 6 The Penalty Assessment includes a \$1,200 penalty for twelve violations of 49 C.F.R. Part 391.45(a) for using a driver not medically examined and certified. In its response, the Company stated that it had promptly corrected the violation and has set up a reminder system to prevent recurrence of the violation.
- 7 Staff recommends that the Commission reduce the penalty from \$1,200 to \$600 because the Company took prompt corrective action and implemented protocols to prevent future violations. We agree. Because the Company has taken action to ensure future compliance, we reduce the penalty by half, and assess a total penalty of \$600 for the twelve violations of 49 C.F.R. Part 391.45(a).

FINDINGS AND CONCLUSIONS

- 8 (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.

² See RCW 81.04.405.

³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12, 15 (Jan. 7, 2013) (Enforcement Policy).

⁴ 49 C.F.R. § 385, Appendix B.

⁵ Enforcement Policy ¶19.

- 9 (2) Spokane Limousine is a passenger transportation company subject to Commission regulation.
- 10 (3) Spokane Limousine violated 49 C.F.R. Part 391.45(a) when it used a driver not medically examined and certified on twelve occasions.
- 11 (10) The Commission should penalize Spokane Limousine \$600 for twelve violations of 49 C.F.R. Part 391.45(a).

ORDER

THE COMMISSION ORDERS:

- 12 (1) Spokane Limousine, LLC, d/b/a Black Tie Limo Service; Black Tie limousine Service's request for mitigation of the \$1,200 penalty is GRANTED, in part, and the penalty is reduced to \$600.
- 13 (2) The penalty is due and payable within 10 days of the effective date of this Order.
- 14 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective January 25, 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.