



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

November 8, 2024

Jeff Killip, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Martinson Piano Moving, LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-240750

Dear Mr. Killip:

On October 29, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Martinson Piano Moving, LLC, (Martinson Piano or Company) in the amount of \$14,900 for violations of Washington Administrative Code (WAC) 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 - Qualifications of Drivers and 49 C.F.R. Part 396 - Inspection, Repair, and Maintenance, as follows:

- **One hundred forty-eight violations of 49 § C.F.R. § 391.45(a) - Using a driver not medically examined and certified.** Martinson Piano allowed drivers Darin Gable, Eric Martinson, and Michael Martinson to operate a motor vehicle without a valid medical certificate on 148 occasions between March 10, 2024, and September 10, 2024.
- **One violation of 49 C.F.R. § 396.17(a) - Using a commercial motor vehicle not periodically inspected.** Martinson Piano failed to annually inspect its commercial motor vehicle (CMV).

On November 5, 2024, Martinson Piano filed with the Commission its request for mitigation of penalties. In the request, Eric Martinson, owner of Martinson Piano, admits the violations, describes corrective actions the Company has taken to prevent future occurrences, and asks that the penalties be reduced. The mitigation request asks for a Commission decision based solely on the information provided.

Concerning the 148 repeat violations of 49 C.F.R. § 391.45(a), Martinson Piano states the violations were unintentional and attributes the occurrences to the misunderstanding of the expiration dates of the driver's medical certificates. To remedy the violations, the Company states it has updated its calendar to ensure the expiration dates. Martinson Piano provided Commission staff (Staff) with current medical certificates during the safety investigation.

Concerning the repeat violation of 49 C.F.R. § 396.17(a), Martinson Piano states the violation occurred following the purchase of a new vehicle and forgot to ask the dealership for a periodic inspection prior to the vehicle being placed into service. Martinson states that the violation was unintentional, and that Company desires to operate in accordance with the regulations. No additional documentation or preventative measures were included.

In response to Martinson Piano's request for mitigation, the Company incurred repeat violations despite having previous technical assistance and a suspended penalty in place. The Company was cooperative during the safety investigation and responded quickly to identified violations. Staff addresses the penalties below.

- The Commission assessed a penalty of \$14,800 for 148 repeat critical violations of 49 C.F.R. § 391.45(a). Staff recommends no mitigation of the penalty.
- The Commission assessed a penalty of \$100 for one repeat critical-type violation of 49 C.F.R. § 396.17(a). Staff recommends no mitigation of this penalty.

Staff recommends that \$9,800 of the penalty be suspended for a period of two years before being waived, on the conditions that: (1) Staff conducts a focused review in two years or as soon thereafter as practicable to review the Company's driver qualifications, (2) the Company not incur any repeat violations of critical regulations, and (3) Martinson Piano pays the \$5,000 portion of the penalty that is not suspended.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at Jason.Sharp@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety