

HB 1340 -- Operation of Commercial Motor Vehicles

Sponsor: Schlottach

This bill allows the Highways and Transportation Commission to suspend, revoke, or cancel the registration, license, permit, or other credentials issued to a motor carrier if a federal agency or the commission has issued an out-of-service order against the motor carrier. The law is applicable to out-of-service orders placing a motor carrier's entire operation out of service but does not apply to orders placing an individual driver or vehicle out of service.

When the commission issues an order under the provisions of the bill, the motor carrier cannot operate any commercial motor vehicle and cannot allow any employee to operate any commercial motor vehicle acting under the carrier's authority or control in intrastate or interstate commerce. The motor carrier must immediately surrender all license plates, motor carrier licenses, registrations, permits, and other credentials. An out-of-state motor carrier will not be eligible to apply for the issuance or reinstatement of any license, registration, permit, certificate, or other credentials until the out-of-service order has been rescinded or the orders have been set aside by a court of proper jurisdiction.

Any federal or state order will be admissible in administrative and court proceedings, and the orders will constitute prima facie evidence that the motor carrier violated federal regulations or that the motor carrier's operation poses an imminent safety hazard, or both.

Persons aggrieved by a commission's order are allowed to appeal to a circuit court for a hearing and a review of the order. Judicial review of the order will be waived unless the petition is filed within 30 days of the issuance of the order.

The commission may receive and disclose any data relating to any out-of-service motor carrier to the federal Motor Carrier Administration, the Department of Revenue, the State Highway Patrol, other law enforcement agencies, and motor carrier liability insurance companies.

The Department of Revenue may immediately, without a hearing, update the records to reflect the suspension, revocation, or cancellation of all motor vehicle license plates, registrations, and other credentials. The department must notify the motor carrier and the commission of all actions taken pursuant to the commission's order.