

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**RICKY HATFIELD dba  
HATFIELD TRUCKING  
USDOT 2385057  
MC 819435**

**and**

**RICKY L. HATFIELD**

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) **Order No.: TN-2014-5000-IMH**  
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) **Service**  
) **Date:** \_\_\_\_\_  
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) **Time:** \_\_\_\_\_  
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) **Service**  
) **Date:** \_\_\_\_\_  
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**IMMINENT HAZARD**  
**OPERATIONS OUT-OF-SERVICE ORDER**

This is an Imminent Hazard Operations Out-of-Service Order (Order) issued by the Secretary of Transportation pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1) and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (USDOT), Atlanta, Georgia. This Order applies to Ricky Hatfield dba Hatfield Trucking (USDOT No. 2385057), Ricky L. Hatfield, individually, a commercial motor vehicle driver, and to all vehicles owned or operated by Ricky L. Hatfield or Hatfield Trucking (referred to collectively herein as “you,” and/or “your”).

The Secretary and FMCSA find your operations and your continued operation of any

commercial motor vehicle constitutes an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle substantially increases the likelihood of serious injury or death if not discontinued immediately and poses an imminent hazard to public safety.

**Effective immediately, you must cease operating any commercial motor vehicle.**

“Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. Your commercial motor vehicle(s) may not be operated in interstate or intrastate commerce by any other motor carrier or any driver. Any movement of your commercial motor vehicles to any storage or repair or other location for the purposes of repair, sale, storage, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated. Your commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA’s Southern Service Center.

Commercial motor vehicles and their drivers now in interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the cargo can be safely secured. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

**YOU MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL CARGO, NOR MAY YOU OPERATE ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT. RICKY L. HATFIELD IS PROHIBITED FROM OPERATING ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE IN THE UNITED STATES WHILE THIS ORDER IS IN EFFECT.**

**Within eight (8) hours of the service of this Order, you must submit to the Field Administrator in writing by facsimile the location of each commercial motor vehicle.** The submission must be sent to:

Field Administrator

Southern Service Center

404-327-7349 (fax)

## **I. JURISDICTION**

Hatfield Trucking is a property motor carrier engaged in interstate commerce using commercial motor vehicles and employing drivers and is therefore subject to the Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (*See* 49 U.S.C. §§ 506, 507, 5121, 13501, 31133, 31136, and 31144). Ricky Hatfield is the owner of Hatfield Trucking and is the individual directly responsible for management, control, direction, and oversight of the operations of Hatfield Trucking.

Hatfield Trucking is required to comply with, and to ensure that its drivers comply with, the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This Order has the force and effect of any other Order issued by the FMCSA and is binding upon Hatfield Trucking and any and all of its officers, members, directors, successors, assigns and closely affiliated companies, including Ricky L. Hatfield. This Order applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by Hatfield Trucking.

Ricky L. Hatfield holds a Commercial Driver’s License (CDL) issued by the state of Tennessee and operates motor vehicles with a gross vehicle weight rating (GVWR) in excess of 26,001 pounds for Hatfield Trucking and other motor carriers. Ricky L. Hatfield is subject to,

and is required to comply with, the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs), 49 C.F.R. Parts 350-399, as well as the Orders of the USDOT and FMCSA. (*See* 49 U.S.C. §§ 506, 507, 13501, 31133, and 31306). Ricky L. Hatfield is required to comply with Federal statutes and regulations regarding driving of commercial motor vehicles.

## **II. BASIS FOR ORDER**

The basis for determining that your motor carrier operations pose an imminent hazard to the public is that Ricky L. Hatfield fails to exercise an appropriate duty of care to the motoring public when operating commercial motor vehicles. On November 19, 2013, Ricky L. Hatfield, while driving a commercial motor vehicle on Interstate 81, struck two pedestrians and collided with two vehicles that were on the highway shoulder. Ricky L. Hatfield also fails to ensure that the commercial motor vehicles being operated are systematically and properly inspected, repaired and maintained and meet minimum safety standards. In the last four months, two commercial motor vehicles being operated by Ricky L. Hatfield have been placed out-of-service by state police for mechanical out-of-service defects. Ricky L. Hatfield's blatant disregard of the FMCSRs and disregard for the safety of the motoring public substantially increase the likelihood of serious injury or death to himself, to other drivers, and/or to the motoring public.

## **III. BACKGROUND**

On November 19, 2013, Ricky L. Hatfield was driving his commercial motor vehicle on northbound Interstate 81 in Franklin County, Pennsylvania when he crossed onto the east shoulder of the highway and collided into a Ford Mustang parked on the shoulder of the highway. Mr. Hatfield continued driving his commercial motor vehicle, striking two pedestrians standing outside their vehicles on the highway shoulder and a Ford F-450 dump truck before overturning in the northbound lanes of Interstate 81. After overturning his vehicle, Mr. Hatfield

fled the accident scene. Police officers later found Mr. Hatfield hiding behind a nearby building and arrested him. Mr. Hatfield was administered sobriety tests and found to have a blood alcohol level of .171. Mr. Hatfield was charged with consuming an intoxicating beverage within four hours before operating a motor vehicle; possessing an intoxicating beverage while on duty or driving; failing to keep logbook current; aggravated assault by vehicle while driving under the influence; failure to stop at accident involving death or personal injury; DUI; DUI while operating a commercial motor vehicle; improper lane change; failing to drive a vehicle at safe speed; reckless driving; careless driving; and failure to notify police of accident. Mr. Hatfield's vehicle was placed out-of-service for two out-of-service mechanical defects. Mr. Hatfield is currently in the custody of Franklin County law enforcement.

Ricky L. Hatfield shows a general disregard for motor vehicle law and a pattern of endangering public safety. On September 8, 2009, Mr. Hatfield was convicted of DUI in a commercial motor vehicle in the State of Utah with a blood alcohol level of .116. During that incident, Mr. Hatfield fled from police officers after he was administered an intoxilyzer test. On October 12, 2013, a Maryland State Police Officer placed Mr. Hatfield's commercial motor vehicle out-of-service because the vehicle had four out-of-service mechanical violations. As further evidence of his intent to disregard regulations and orders of the FMCSA, Hatfield Trucking currently does not have the statutorily required level of bodily injury and property damage insurance coverage and does not have valid and active operating authority for transporting cargo in interstate commerce.<sup>1</sup>

#### **IV. REMEDIAL ACTION**

To eliminate this imminent hazard, and before you will be permitted to resume operations

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<sup>1</sup> FMCSA only recently received notice of the completed January, 2014 Pennsylvania State Police crash investigation and the 2009 Utah State Police report.

placed out-of-service by this Order, you must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Ricky L. Hatfield may not operate a commercial motor vehicle in interstate commerce until he has fully complied with the Remedial Actions set forth in this section.

2. Ricky L. Hatfield must demonstrate to the satisfaction of the Field Administrator, Southern Service Center, that he is qualified to drive a commercial motor vehicle in full compliance with 49 C.F.R. § 392.5.

3. Ricky L. Hatfield may not operate a commercial motor vehicle or perform any safety-sensitive duties for any employer until he has complied with Part 40 (Subpart O: Procedures for Transportation Workplace Drug and Alcohol Testing Programs) of the Department of Transportation's drug and alcohol regulations.

4. Ricky L. Hatfield must demonstrate to the satisfaction of the Field Administrator, Southern Service Center, that he has completed the Substance Abuse Professional (SAP) evaluation, referral, and education/treatment process set forth in 49 C.F.R. § 40.285 and 49 C.F.R. § 382.605 before he may operate a commercial motor vehicle or perform any safety sensitive duties for any employer.

5. Ricky L. Hatfield must provide documentation to the Field Administrator, Southern Service Center, that he has completed the SAP evaluation, required education, and return to duty process, and otherwise complied with 49 C.F.R. Part 40, Subpart O. Ricky L. Hatfield must provide to the Field Administrator, Southern Service Center, a written authorization for release to the Field Administrator of all records and results pertaining to the evaluation, education, treatment, and testing directed by the SAP.

6. Ricky L. Hatfield must provide documentation to the Field Administrator,

Southern Service Center, that he holds a valid commercial driver's license.

7. Ricky L. Hatfield must notify the Field Administrator for the Southern Service Center if he is or becomes employed in a safety sensitive function, including driving a commercial motor vehicle that requires a commercial driver's license. Within 24 hours, Ricky L. Hatfield must notify the Field Administrator of the name and address for the employer.

8. Ricky L. Hatfield may not operate a commercial motor vehicle in interstate commerce until he has fully complied with the Remedial Actions and the Imminent Hazard Order is rescinded in writing by the Field Administrator for the Southern Service Center.

9. Hatfield Trucking must establish a DOT controlled substance and alcohol testing program in compliance with 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing) and provide evidence of this program to the Southern Service Center Field Administrator. Hatfield Trucking must use only those laboratories certified by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration for the analysis of urine specimens. Hatfield Trucking must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). Hatfield Trucking must ensure that driver supervisors undergo at least 60 minutes of training on alcohol misuse as well as an additional 60 minutes of training on controlled substance use that conforms to 49 C.F.R. § 382.603.

10. Hatfield Trucking must ensure that each driver selected for random controlled substances or alcohol testing has an equal chance of being selected each time selections are made. Hatfield Trucking must ensure that it has received a negative pre-employment controlled substances test for each driver before using that driver to perform safety-sensitive functions.

Hatfield Trucking must establish policies and procedures to ensure that it does not dispatch a driver who has tested positive for controlled substances or alcohol until that driver has completed the return-to-duty process in 49 C.F.R. Part 40.

11. Hatfield Trucking must establish safety management controls and procedures that ensure that each and every commercial motor vehicle it operates is systematically and properly inspected, maintained and repaired as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair are obtained and maintained as required.

12. Hatfield Trucking must demonstrate that it has an effective commercial motor vehicle maintenance program in place to inspect, maintain, and repair its fleet and ensure compliance with the FMCSRs. Hatfield Trucking must ensure and demonstrate that vehicle maintenance and safety is a company priority and must ensure and demonstrate that inspection records are accurately completed.

13. Hatfield Trucking must ensure and demonstrate that its vehicles are in a safe operating condition and are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance).

14. Hatfield Trucking must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day, implement a procedure so that its drivers can report safety defects and/or deficiencies, and establish and abide by procedures to ensure that reported safety defects and/or deficiencies are repaired immediately before the commercial motor vehicle is operated again. Hatfield Trucking must train its drivers and ensure all drivers understand the meaning of a roadside out-of-service order and comply with roadside out-of-service orders.

15. Hatfield Trucking must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of its commercial motor

vehicles are repaired prior to the vehicle being operated. Hatfield Trucking must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is operated prior to necessary repairs being made and the vehicle passing an appropriate safety inspection.

16. Hatfield Trucking must contact FMCSA's Tennessee Division and arrange for inspection of each of its commercial motor vehicles by a FMCSA inspector or an inspector designated by FMCSA.

17. Hatfield Trucking must comply with all Orders issued by FMCSA.

## **V. RESCISSION OF ORDER**

You are subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and until such time as Hatfield Trucking has a valid and active USDOT number and operating authority registration, Hatfield Trucking is prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. This Order will not be rescinded until the Field Administrator for FMCSA's Southern Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this Order have been fully satisfied and acceptable documentation submitted.

Before this Order will be rescinded, Hatfield Trucking must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations and motor vehicles pose, and adequately demonstrate to the Field Administrator's satisfaction the actions taken to eliminate the safety problems. Hatfield Trucking cannot avoid this Order by continuing operations under the name of another person or company. Any sale, lease, or other transfer of commercial motor vehicle(s) and/or direct assignment of contract(s) or other agreement(s) for service by Hatfield Trucking requires the written approval of the Southern Service Center Field Administrator. Any such action taken in anticipation of this Order must

cease immediately.

**Prior to rescission of this Order, Hatfield Trucking will be required to:**

- 1. Identify the cause for its noncompliance.**
- 2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps it intends to take to overcome its non-compliance, and a time table for these steps.**
- 3. Certify in writing the commitment of Hatfield Trucking to comply with the FMCSRs.**
- 4. Execute the Safety Management Plan and provide certification by all owners and officers.**

Ricky L. Hatfield is subject to this Order unless and until the Order is rescinded by the FMCSA. Before operating any commercial motor vehicle in the United States, Mr. Hatfield must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that Mr. Hatfield's operation of a commercial motor vehicle poses, and adequately demonstrate to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration, United States Department of Transportation, the actions taken to eliminate the safety problems. Mr. Hatfield cannot avoid this Order by continuing operations for another company.

Any request to rescind this Order and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Field Administrator, Southern Service Center, with a copy to the Division Administrator, Tennessee Division, at the following addresses:

Field Administrator, Southern Service Center  
Federal Motor Carrier Safety Administration  
1800 Century Blvd., NE, Suite 1700  
Atlanta, Georgia 30345

Division Administrator, Tennessee Division  
Federal Motor Carrier Safety Administration  
640 Grassmere Park, Suite 111  
Nashville, Tennessee 37211

Rescission of this Order does not constitute a reinstatement of Hatfield Trucking's Federal operating authority registration or its USDOT Number. In order for Hatfield Trucking to resume motor carrier operations in the United States, Hatfield Trucking will be required to apply to reactivate its USDOT number registration, reapply for and receive operating authority registration, and demonstrate that Hatfield Trucking is fit and willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and 5) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

## **VI. FAILURE TO COMPLY WITH THIS ORDER**

Failure to comply with the provisions of this Order may subject Hatfield Trucking to an action in the United States District Court for equitable relief and punitive damages. Hatfield Trucking may also be assessed civil penalties of up to \$25,000 for each violation of this Order. (49 U.S.C. § 521(b)(2)(F) and 49 C.F.R. Part 386 App. A. § IV(g)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. (49 U.S.C. § 521 (b)(6)(A)).

Ricky L. Hatfield may be assessed civil penalties of not less than \$2,500 and be

disqualified from operating commercial motor vehicles for not less than 180 days if Mr. Hatfield operates a commercial motor vehicle in violation of this Order. Ricky L. Hatfield may be assessed civil penalties of not less than \$5,000 and be disqualified from operating commercial motor vehicles for not less than two years and not more than five years for a second violations of this Order. (*See* 49 U.S.C. §§ 521(b)(2)(A) and 31310(i), and 49 C.F.R. § 386.82(a)(4)).

Knowing and/or willful violation of the provisions of this Order may subject Ricky L. Hatfield to criminal penalties. (*See* 49 U.S.C. § 521(b)(6)).

## **VII. PENALTIES FOR VIOLATIONS**

Any motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statutes and regulations are separate and distinct from this Order. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this Order, and/or discovered during subsequent investigations.

## **VIII. RIGHT TO REVIEW**

You have the right to administrative review in accordance with 5 U.S.C. § 554 and 49 C.F.R. § 386.72(b)(4). An administrative review, if requested, must occur within 10 days of the issuance of this Order. (49 U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with a copy sent to FMCSA's Adjudications Counsel and the Field Administrator, Southern Service Center at the following addresses:

Assistant Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

Federal Motor Carrier Safety Administration  
Office of the Chief Counsel - Adjudications  
1200 New Jersey Avenue S.E., W61-323  
Washington, DC 20590

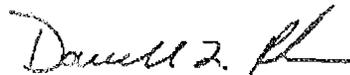
Field Administrator, Southern Service Center  
Federal Motor Carrier Safety Administration  
1800 Century Blvd., NE, Suite 1700  
Atlanta, GA 30345

The request must state the material facts at issue which you believe disputes or contradicts the finding that your operations constitute an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY  
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

**IMMEDIATELY.** This Order is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions. Any request for administrative review of this Order does not attach to or apply to any other order or action.

Date: January 22, 2014



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Darrell Ruban, Field Administrator  
United States Department of Transportation  
Federal Motor Carrier Safety Administration