

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

**Motts Transportation, Inc.  
USDOT 828452**

**Jerome Carter, Sr.**

) **Order No.: SC-2014-5003-IMH**  
)  
) **Service**  
) **Date: \_\_\_\_\_**  
)  
) **Service**  
) **Date: \_\_\_\_\_**  
)

**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), (2), 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 Motts Transportation, Inc. (USDOT# 828452) and Jerome Carter, Sr., individually (referred to collectively herein as “Motts Transportation”) and to all vehicles owned or operated by Motts Transportation, including without limitation the commercial motor vehicles identified in Schedule A, attached hereto.

The Secretary and FMCSA find Motts Transportation’s operations and the continued operation of any commercial motor vehicle (including without limitation those identified in Schedule A), referred to herein as “commercial motor vehicles,” “motor coaches,” and/or “vehicles” constitutes an imminent hazard. This finding means that based upon Motts Transportation’s present state of unacceptable safety compliance, its operation of any

commercial motor vehicle poses an imminent hazard to public safety.

**Effective immediately, Motts Transportation must cease operating any commercial motor vehicle, including but not limited to the commercial motor vehicles listed in Schedule A.** “Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. Motts Transportation’s commercial motor vehicle(s), including but not limited to the commercial motor vehicles listed in Schedule A, may not be operated in interstate or intrastate commerce by any other motor carrier or any driver; such commercial motor vehicle may not be operated – even without passengers. Any movement of Motts Transportation’s commercial motor vehicles, specifically including the commercial motor vehicles identified in Schedule A, 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. Motts Transportation’s 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 passengers can be safely accommodated. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

**MOTTS TRANSPORTATION MAY NOT LOAD OR TRANSPORT ANY  
ADDITIONAL PASSENGERS, NOR MAY MOTTS TRANSPORTATION OPERATE  
ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE OR INTRASTATE  
COMMERCE WHILE THIS ORDER IS IN EFFECT.**

**Within eight (8) hours of the service of this Order, Motts Transportation must submit to the Field Administrator in writing by facsimile the location of each of its commercial motor vehicles, including without limitation the vehicles identified in Schedule A hereto. The submission must be sent to:**

Field Administrator

404-327-7349 (facsimile)

## **I. JURISDICTION**

Motts Transportation is a passenger 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). Jerome Carter, Sr. is the owner of Motts Transportation and is the individual directly responsible for management, control, direction, and oversight of the operations of Motts Transportation. Jerome Carter, Sr. also operates motor coaches for Motts Transportation and is individually responsible for ensuring his compliance with the FMCSRs when operating Motts Transportation’s motor coaches.

Motts Transportation 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 Motts Transportation and any and all of its officers, members, directors, successors, assigns and closely affiliated companies, and Jerome Carter, Sr. This Order applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by Motts Transportation, including but not limited to the vehicles identified in Schedule A hereto. This Order also applies to Jerome

Carter, Sr.'s operation of any commercial motor vehicle.

## **II. BASIS FOR ORDER**

The basis for determining that Motts Transportation's motor carrier operations pose an imminent hazard to the public is Motts Transportation's widespread and serious noncompliance with Federal safety regulations. Motts Transportation fails to oversee and monitor its drivers and ensure that its motor coaches are systematically and properly inspected, repaired and maintained and meet minimum safety standards. Jerome Carter, Sr., as the owner and manager of Motts Transportation, is responsible for ensuring Motts Transportation's compliance with the FMCSRs. Jerome Carter, Sr. is also responsible for his compliance with the FMCSRs when operating motor coaches for Motts Transportation.

Motts Transportation does not have safety management practices in place to ensure its drivers are preparing and submitting accurate records of duty status and that they comply with the maximum hours of service limitations. Motts Transportation employs part-time drivers who work for other motor carriers or other employers. The FMCSRs require the drivers to record as on-duty time the number of hours worked for other motor carriers or other employers. Motts Transportation, however, is not complying with this hours-of-service regulation. Indeed, Jerome Carter, Sr. told FMCSA investigators that he is not concerned with drivers' activities outside of his company. Motts Transportation's irresponsible practice of not requiring its drivers to report and record all on-duty hours results in its drivers transporting passengers at a time when they may be fatigued because of driving in excess of the maximum driving time.

Motts Transportation also has no effective oversight of its drivers, which has led to unknown drivers and an unqualified driver operating its motor coaches. During the investigation, Jerome Carter, Sr. could not identify all drivers who had worked for the carrier

during the previous 12 months. After reviewing roadside inspection reports, insurance information and drivers' records of duty status, FMCSA safety investigators determined that Motts Transportation had used 14 drivers in the past 12 months. Jerome Carter, Sr. told FMCSA investigators that he did not know 4 drivers listed on Motts Transportation's roadside inspection reports and could not explain how or why these drivers were operating Motts Transportation motor coaches. Further, Motts Transportation did not have driver qualification (DQ) files for 8 drivers and the DQ files it did maintain were incomplete. Motts Transportation also allowed its motor coach to be driven by an individual who did not have a Class B Commercial Driver's License (CDL) and was therefore not qualified to operate this motor coach.

Motts Transportation's compliance with FMCSA-mandated controlled substances and alcohol use and testing requirements is also egregiously deficient. Motts Transportation is using drivers to operate passenger-carrying commercial motor vehicles before receiving negative pre-employment controlled substance test results. Motts Transportation is also using drivers to transport passengers in its vehicles when the drivers have not been randomly tested for controlled substances or alcohol. Motts Transportation has not had an alcohol and controlled substances testing program for the past three years. Motts Transportation's irresponsible action in allowing unqualified drivers to operate its commercial motor vehicles substantially increases the likelihood of serious injury or death to Motts Transportation's drivers and the motoring public.

Moreover, Motts Transportation does not have a systematic vehicle inspection, repair, and maintenance program in place to prevent the operation of unsafe motor coaches. Motts Transportation is not requiring its drivers to prepare or complete accurate driver vehicle inspection reports which identify vehicle defects. Motts Transportation also does not maintain all required vehicle records with the date and nature of inspections, repairs, and maintenance

conducted on its motor coaches. Motts Transportation's nonexistent and inadequate maintenance program substantially increases the risk of serious injury or death and is an imminently hazardous and potentially deadly condition for Motts Transportation's drivers and the motoring public.

Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to Motts Transportation's drivers and the motoring public.

### **III. BACKGROUND**

On or around February 7, 2014, FMCSA completed an investigation of Motts Transportation initiated because the carrier was a mandatory carrier and had three elevated alert BASICS: Unsafe Driving (94%), Hours of Service Compliance (75.9%), and Vehicle Maintenance (65.9%).<sup>1</sup> Motts Transportation is a passenger motor carrier that transports school, church, and family reunion groups to destinations along the east coast and in the southeastern United States. FMCSA's investigation of Motts Transportation uncovered widespread regulatory violations demonstrating the carrier's continuing, repeated and egregious non-compliance with the FMCSRs and a management philosophy indifferent to motor carrier safety.<sup>2</sup>

---

<sup>1</sup> The SMS is a tool for assessing available roadside performance data and ranking an entity's relative performance in any of the six Behavior Analysis and Safety Improvement Categories (BASICS). The SMS quantifies the on-road safety performance of individual entities to identify entities with significant safety problems, determine the specific safety problems an entity exhibits, and monitor safety problems through the Intervention Process. The SMS computes a percentile for each BASIC on a 0-100 scale and assigns a percentile rank to each BASIC, with 100 indicating the worst performance.

<sup>2</sup> As part of its investigation, FMCSA completed a compliance review of Motts Transportation. Motts Transportation received a proposed safety rating of "Unsatisfactory." This is the fourth compliance review that FMCSA has conducted on Motts Transportation, giving the carrier an abundance of opportunities for exposure to and education of the FMCSRs. Motts

Motts Transportation does not have safety management practices in place to ensure its drivers are preparing and submitting accurate records of duty status and that they comply with the maximum hours of service limitations. Motts Transportation employs part-time drivers who work for other motor carriers or other employers. Thus, these drivers must record work hours performed for other motor carriers or employers as on-duty time on their Motts Transportation's records of duty status.<sup>3</sup> Motts Transportation is not requiring these drivers to record this information on their records of duty status. In fact, Jerome Carter, Sr. told FMCSA investigators that he is not concerned with drivers' activities outside of his company. Thus, Motts Transportation is not ensuring that its drivers are preparing and submitting accurate records of duty status.

FMCSA safety investigators reconstructed recent records of duty status for Driver B.L. to include his on-duty time working as a driver and dispatcher with another motor carrier. The reconstructed records uncovered Driver B.L.'s violation of the 15<sup>4</sup> and 60<sup>5</sup> hours-of-service limits while operating Motts Transportation's motor coaches. On November 23, 2013, Driver B.L. drove 11.5 hours in violation of the 15 hour limit and 11.5 hours in violation of the 60

---

Transportation's proposed Unsatisfactory safety rating is indicative of the lack of importance that the carrier places on compliance with the FMCSRs.

<sup>3</sup> See 49 C.F.R. § 395.2 (On-duty time includes "performing any other work in the capacity, employ, or service of, a motor carrier" and "performing any compensated work for a person who is not a motor carrier.")

<sup>4</sup> See 49 C.F.R. § 395.5(a) ("No motor carrier shall permit or require any driver used by it to drive a passenger-carrying commercial motor vehicle...[f]or any period after having been on duty 15 hours following 8 consecutive hours off duty.")

<sup>5</sup> See 49 C.F.R. § 395.5(b)(1) ("No motor carrier shall permit or require a driver of a passenger-carrying commercial motor vehicle to drive...regardless of the number of motor carriers using the driver's services, for any period after...[h]aving been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week....")

hour limit. On November 30, 2013, Driver B.L. drove 2.5 hours in violation of the 15 hour limit. On December 1, 2013, Driver B.L. drove 9 hours in violation of the 15 hour limit and 5 hours in violation of the 60 hour limit. On December 7, 2013, Driver B.L. drove 10 hours in violation of the 15 hour limit and 10 hours in violation of the 60 hour limit. On December 14, 2013, Driver B.L. drove 8.25 hours in violation of the 15 hour limit and 6.5 hours in violation of the 60 hour limit. The hours of service regulations establish the standards for the safe operation of commercial motor vehicles, and are intended to guard against the cumulative effects of fatigue which accompany prolonged periods of on-duty and driving time. By permitting its drivers to exceed maximum hour limits by not recording hours worked for other motor carriers or employers, Motts Transportation is allowing its drivers to transport passengers at a time when they may be fatigued.

Motts Transportation also has no effective oversight of its drivers, which has led to unknown drivers and an unqualified driver operating its motor coaches. Motts Transportation's owner, Jerome Carter, Sr., could not identify all drivers who had operated commercial motor vehicles for the carrier during the previous 12 months. After reviewing roadside inspection reports, insurance information and drivers' records of duty status, FMCSA safety investigators determined that Motts Transportation had used 14 drivers in the past 12 months. Jerome Carter, Sr. told FMCSA investigators that he did not know 4 drivers listed on Motts Transportation's roadside inspection reports and could not explain how or why these 4 drivers were operating Motts Transportation motor coaches. Further, Motts Transportation only had DQ files for 6 drivers and these DQ files were incomplete. The DQ files were missing completed employment applications, annual driver record inquiries, and lists or certificates relating to violations. Motts Transportation also had failed to investigate several drivers' background. Further, Motts

Transportation allowed its motor coach to be driven by an individual who did not have a Class B CDL and was therefore not qualified to operate this motor coach. The unqualified driver was transporting passengers from Baltimore, Maryland to Chester, South Carolina and was stopped by a North Carolina State Highway Patrol officer for speeding. The unqualified driver did not have any records of duty status on the motor coach.

Motts Transportation's compliance with FMCSA mandated controlled substances and alcohol use and testing requirements is also egregiously deficient. Motts Transportation is using drivers to operate passenger-carrying commercial motor vehicles before receiving negative pre-employment controlled substance test results. Motts Transportation is also using drivers to transport passengers in its vehicles when the drivers have not been randomly tested for controlled substances or alcohol. Indeed, Motts Transportation has not had an alcohol and controlled substances testing program for the past three years. Further, Jerome Carter, Sr. was fully aware that Motts Transportation was required to have an alcohol and controlled substances testing program because the carrier has been cited in two previous compliance reviews and has been the subject of two enforcement actions because it did not have a compliant alcohol and controlled substances testing program. Motts Transportation's failure to have any alcohol and controlled substances testing program for the past three years reflects its continual and blatant disregard for the FMCSRs and passenger motor carrier safety.

Motts Transportation does not have a systematic vehicle inspection, repair, and maintenance program in place to prevent the operation of unsafe motor vehicles<sup>6</sup> and was unable to produce all -- or even many -- of the required vehicle records containing the date and

---

<sup>6</sup> See 49 C.F.R. § 396.3(a) ("Every motor carrier...must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicle...equipment subject to its control.")

nature of inspections, repairs, and maintenance conducted.<sup>7</sup> Indeed, Motts Transportation had few maintenance records. Motts Transportation is not requiring its drivers to prepare or complete accurate driver vehicle inspection reports which identify vehicle defects.<sup>8</sup> Motts Transportation's indifference to vehicle maintenance is evidenced by two roadside inspections of its motor coach vehicle number 5502 conducted on June 27, 2013 and January 15, 2014. On June 27, 2013, an officer with the Georgia Department of Public Safety placed motor coach vehicle number 5502 out-of-service for defective brakes during a roadside inspection. On January 15, 2014, an officer with the South Carolina State Transport Police placed this same vehicle out-of-service for defective brakes. At the time of the January 15, 2014 roadside inspection, Jerome Carter, Sr. was operating this motor coach.

Over the past year, Motts Transportation has had multiple roadside inspections. Its most recent vehicle out-of-service rate is 60%. At the time of the investigation, Motts

---

<sup>7</sup> See 49 C.F.R. § 396.3(b) (Motor carriers must maintain records for each motor vehicle they control for 30 consecutive days. The required records include: (1) an identification of the vehicle including company number, if so marked, make, serial number, year, and tire size; (2) a means to indicate the nature and due date of the various inspection and maintenance operations to be performed; and (3) a record of inspection, repairs, and maintenance indicating their date and nature.)

<sup>8</sup> See 49 C.F.R. § 396.11(a) states: Every motor carrier must require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated.... The report shall cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheel and rims
- Emergency equipment.

Transportation had 3 out of 5 inoperable motor coaches. As to the 2 operable motor coaches, a state officer placed the first motor coach out-of-service for vehicle out-of-service defects and found 6 vehicle defects on the second motor coach.

In sum, Motts Transportation's continued and blatant disregard for the FMCSRs substantially increases the likelihood of serious injury or death, and its operations pose an imminently hazardous and potentially deadly risk for its drivers and the motoring public if not discontinued immediately.

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

To eliminate this imminent hazard, and before Motts Transportation will be permitted to resume operations placed out-of-service by this Order, Motts Transportation must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Motts Transportation 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. Motts Transportation 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. Motts Transportation must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). Motts Transportation 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.

2. Motts Transportation 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. Motts Transportation 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. Motts Transportation 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.

4. Motts Transportation must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391. Motts Transportation must ensure that every driver it uses has completed and furnished an employment application. Motts Transportation must investigate each driver's background within 30 days of employment, and must maintain a copy of the response from each State agency in the driver's qualification file. Motts Transportation must ensure that it obtains from each driver an annual list of traffic violations and an annual Motor Vehicle Record, and that it performs an annual review on each driver's driving record. Motts Transportation must ensure that it performs a three-year previous employment check on its drivers prior to their operating a commercial motor vehicle, in accordance with 49 C.F.R. § 391.23. Motts Transportation must ensure each driver possesses a DOT medical examiner's certificate as well as ensure that a copy of each driver's medical examiner's certificate is maintained in the driver's qualification file.

5. Motts Transportation must take aggressive and progressive steps to control drivers' hours of service.

6. Motts Transportation must implement a dispatch system that ensures that no driver will be dispatched on any trip unless the driver has the necessary available hours of service to complete the trip in accordance with 49 C.F.R. Part 395.

7. Motts Transportation must ensure that each of its drivers records his or her duty status for each 24-hour period in accordance with 49 C.F.R. § 395.8. Motts Transportation must ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. § 395.5. Motts Transportation must maintain each record of duty status for a minimum of six months in accordance with 49 C.F.R. § 395.8.

8. Motts Transportation must implement a system to ensure that all drivers accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. Motts Transportation must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to Motts Transportation within 13 days of their completion. Motts Transportation must maintain drivers' records of duty status and demonstrate a system showing that the company can and will maintain all supporting documents. Further, Motts Transportation must ensure that all records of duty status are accurate by using all means available to Motts Transportation and by comparing each record with all supporting documentation.

9. Motts Transportation must ensure that all drivers are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations consistent with those regulations.

10. Motts Transportation must submit to the Field Administrator a plan detailing how it will (i) train all drivers used on compliance with the HOS regulations, (ii) monitor the compliance of all drivers with the HOS regulations, and (iii) ensure that all drivers are dispatched in such a way that scheduled routes may be completed within the maximum driving and on-duty hours, as provided in 49 C.F.R. § 395.5.

11. Motts Transportation 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. Motts Transportation must demonstrate that it has an effective commercial motor vehicle maintenance program in place to inspect, maintain, and repairs its fleet and ensure compliance with the FMCSRs. Motts Transportation 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. Motts Transportation 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. Motts Transportation 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. Motts Transportation 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. Motts Transportation 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. Motts Transportation 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. Motts Transportation must contact FMCSA's South Carolina Division and arrange for inspection of each of its commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

17. Motts Transportation must comply with all Orders issued by FMCSA.

## **V. RESCISSION OF ORDER**

Motts Transportation is 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 Motts Transportation has a valid and active USDOT number and operating authority registration, Motts Transportation 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, Motts Transportation 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. Motts Transportation 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 Motts Transportation 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, Motts Transportation 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 Motts Transportation to comply with the FMCSRs.**
- 4. Execute the Safety Management Plan and provide certification by all owners and officers.**

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, South Carolina 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, South Carolina Division  
Federal Motor Carrier Safety Administration  
1835 Assembly Street, Suite 1253  
Columbia, South Carolina 29201

Rescission of this Order does not constitute a reinstatement of Motts Transportation's Federal operating authority registration or its USDOT Number. In order for Motts Transportation to resume motor carrier operations in the United States, Motts Transportation will be required to apply to reactivate its USDOT number registration, reapply for and receive operating authority registration, and demonstrate that Motts Transportation 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 Motts Transportation to an action in the United States District Court for equitable relief and punitive damages. Motts Transportation 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)).

## **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 dispute or contradict the finding that Motts Transportation's 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: February 10, 2014



---

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

## Schedule A

| <b>Year</b> | <b>Make</b> | <b>VIN</b>        |
|-------------|-------------|-------------------|
| 2000        | Van Hool    | YE2TC13B0Y2044027 |
| 1990        | MCI         | 2M9KDMKA0LW058001 |
| 1997        | MCI         | 1M8PDMPA0VP049241 |
| 2000        | MCI         | 1M8PDMPA4YP052504 |
| 1989        | MCI         | 1M8GDM9A9KP042572 |
| 1999        | Ford F-550  | 1FDAF56F1XEE78772 |