

281.640 Conduct of hearings -- Suspension and revocation of certificates and licenses -- Final order -- Renewal of certificate does not preclude subsequent proceedings -- Appeal.

- (1) Hearings before the department shall be conducted in accordance with the provisions of KRS Chapter 13B.
- (2) After a hearing held upon the department's motion or upon complaint, in addition to the remedies outlined in KRS 281.630(10), the department may suspend or revoke any certificate or license issued to a motor carrier if the department is satisfied the motor carrier or the motor carrier's drivers, other agents, or motor carrier vehicles:
 - (a) Violate the provisions of this chapter;
 - (b) Violate an order or administrative regulation promulgated by the department;
 - (c) Violate the laws of this state; or
 - (d) Are found to be unfit to carry out the duties, obligations, and responsibilities of a motor carrier.
- (3) The commissioner or one (1) of the assistant commissioners with approval by the commissioner, shall have authority to issue a final order of the department. The recommended order shall not become the final order of the department through failure to file exceptions, but in the absence of exceptions ordinarily will be taken by the department as the basis of its final order.
- (4) The department shall have the right to withdraw, set aside, or amend any final order it has issued, except that such action upon the part of the department shall be taken between the date of the rendition of the final order and the expiration of the time for appeal or until an appeal has been taken.
- (5) The renewal by the department of the certificate of a motor carrier shall not be construed to be a waiver of any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the motor carrier.
- (6) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it by filing a petition of appeal with the clerk of the Franklin Circuit Court in accordance with KRS Chapter 13B. In the case of an appeal in which a certificate has been revoked or suspended, the certificate shall remain in force until final disposition of the appeal.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 19, sec. 14, effective June 24, 2015. -- Amended 1996 Ky. Acts ch. 318, sec. 199, effective July 15, 1996. -- Amended 1962 Ky. Acts ch. 63, sec. 4. -- Amended 1956 (2nd Extra. Sess.) Ky. Acts ch. 7, sec. 3. -- Created 1950 Ky. Acts ch. 63, sec. 15.