

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



November 5, 2010

CSSIN LETTER: 10-09

ALL IV-D DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL BOARDS OF SUPERVISORS

<u>Reason for this Transmittal</u>	
<input type="checkbox"/>	State Law or Regulation Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order or Settlement Change
<input type="checkbox"/>	Clarification requested by One or More Counties
<input checked="" type="checkbox"/>	Initiated by DCSS

SUBJECT: CALIFORNIA PUBLIC UTILITIES COMMISSION- REVOCATION OF OPERATOR PERMITS

This letter provides Local Child Support Agency (LCSA) staff with information necessary to pursue the revocation of an operator permit regulated under the authority of the California Public Utilities Commission (CPUC). This action may be considered when it is known that a non-custodial party (NCP) is a licensed operator regulated by the CPUC, and is not current in paying their child support obligation.

Family Code Section 17520 specifically authorizes California license issuing agencies "the authority to withhold issuance or renewal" of any "license" held by a non-compliant child support obligor including CPUC operator permits. The CPUC has responsibility for issuing operate authority to various types of transportation providers in California. The types of providers under the jurisdiction of the CPUC are described in detail later within this letter.

Note that the CPUC has jurisdiction only over operations between points within California. Transportation across state lines or overseas requires federal authority.

CPUC PERMIT REVOCATION PROCESS

The Department of Child Support Services (DCSS) and CPUC have jointly developed an efficient and cost-effective process when LCSAs require revocation of a delinquent NCP's CPUC permit. This process does not require any change to the Child Support Enforcement (CSE) system.

The process provides LCSAs with direct access to CPUC staff when an enforcement action pertaining to a CPUC-regulated carrier is needed. As a practical matter, this would involve the LCSA receiving information that an obligor may be the CPUC-regulated carrier. The CPUC has agreed to receive inquiries about such permits on a case by case basis, and will exchange the necessary information to establish a valid match with the LCSA. Upon confirmation of the match, the CPUC will send a letter to permit holders informing them of the possible match and instructing them to contact the LCSA to resolve the issue. If the individual identified in the match fails to establish a

satisfactory plan for resolving the child support obligation, the CPUC will revoke the operator's permit.

For further information, or to initiate a CPUC-regulated carrier enforcement action, LCSAs may contact: Wilson E. Lewis, Supervisor, License Section, Consumer Protection and Safety Division, California Public Utilities Commission at (415) 703-2071 or wel@cpuc.ca.gov

The following provides information on vehicles and vessels under CPUC jurisdiction.

MOTOR VEHICLES UNDER CPUC JURISDICTION

1. **Charter-party carriers.** These include for-hire vehicles, including but not limited to limousines, chartered buses, and round trip sightseeing buses. They also include certain transportation conducted incidental to another primary business purpose, such as commercial balloon operations, commercial river rafting, or skiing, and transportation under contract with industrial and business firms, government agencies, private schools, and transportation of agricultural workers to and from farms for compensation. These do not include taxicabs, which are licensed and regulated by cities.
2. **Passenger stage corporations.** (These are not necessarily "corporations" and may be individuals.) These include scheduled, regular route service, as well as door-to-door airport shuttle service, in any size vehicle. These do not include transit districts.
3. **Private Carriers of passengers.** These are not-for-hire. Some are churches and other nonprofits. Some are for-profit businesses which are specifically exempted from charter-party regulation. To be defined as a private carrier, a carrier must operate a "bus". For nonprofits, "bus" is defined as a vehicle seating more than 10, driver included. For for-profits "bus" means more than 15, driver included.
4. **Household good carriers.** Commonly called moving companies. These transport used household goods and personal effects, for-hire.

OTHER VEHICLES/VESSELS UNDER CPUC JURISDICTION

1. **For hire vessels.** Vessels available for charters or tours over California waterways.
2. **Vessel Common Carriers.** Regular schedule, fixed route service over California waterways (very few of these).
3. **Commercial air carriers.** Aircraft available for rides or charters within California, when the service is not regulated by federal authorities.

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As noted, these operating authorities fall under Family Code section 17520 which enables DCSS to enforce child support orders. Such CPUC-regulated carriers who are not current in their child support obligations may be subject to having their authority to operate permit suspended and revoked.

If you have any questions or concerns regarding this matter, please contact Rick Bermudez at (916) 464-5883.

Sincerely,

/os/

BILL OTTERBECK
Deputy Director

Superseded by CSSIN 13-02