



# Commercial Motor Vehicle Review Board (CMVRB)

## Annual Report

July 1, 2016 to June 30, 2017  
Fiscal Year (FY) 2017

**Prepared by:**

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## Overview

Chapter 316, *Florida Statutes (FS)*, and Rule 14A, *Florida Administrative Code (FAC)*, provide for an appeal process for commercial carriers who have received citations<sup>1</sup>. This process provides the carriers with an opportunity to be heard before the Commercial Motor Vehicle Review Board (Board). The Board does not adjudicate guilt. Rather, the Board serves to grant relief where appropriate.

The Board consists of three permanent members:

- Florida Department of Transportation (FDOT) Secretary,
- Director of the Department of Highway Safety and Motor Vehicles, and
- Commissioner of the Department of Agriculture and Consumer Services.

And four additional members:

- Member representing the agriculture industry as appointed by the Commissioner of the Department of Agriculture,
- Member from the road construction industry as appointed by the Governor,
- Member from the trucking industry as appointed by the Governor, and
- Member with a general business or legal background as appointed by the Governor

The fiscal year (FY) 2017 members were:

- Chairman of the Board, Secretary Jim Boxold (represented by Jeffery Frost),
- Executive Director Terry Rhodes (represented by Tod Browning),
- Commissioner Adam Putnam (represented by Daniel Williamson and Keith Klopfer),
- Member from the agriculture industry, Philip McMillan,
- Member from the road construction industry, Wayne Veitch,
- Member from the trucking industry, Jared Fritts, and
- Member with a general business or legal background, John McTyre

Any person who wishes to have a penalty, which was issued pursuant to Section 316.516, 316.545, 316.550, or 316.3025, *FS*, considered by the Board shall file a written request for hearing before the Board. The request must be received by the Board no later than 60 days after the date the citation was issued. Only penalties that have been paid will be considered by the Board. It is the Board's responsibility to consider testimony or other evidence that supports modification, cancellation, or revocation of penalties imposed pursuant to Section 316.516, 316.545, 316.550, or 316.3025, *FS*.

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<sup>1</sup> Citation, in the context of this report, refers to commercial motor vehicle citations.

Rule 14A-1.004(4), *FAC*, allows for persons, firms, or corporations assessed a penalty for violations of Section 316.516, 316.545, 316.550, or 316.3025, *FS*, that have complied with all applicable requirements of the rule to appear in person, through an authorized representative, or through legal counsel. Parties have an opportunity to present to the Board any written or oral evidence relating to the Board’s consideration of these matters.

Members of the Board may direct questions to any witness at any time during the proceedings, and only testimony and evidence pertinent to the Board’s action is allowed. Irrelevant and immaterial or unduly repetitious testimony or evidence is not permitted.

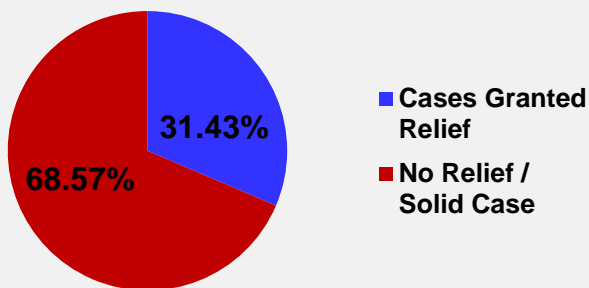
In each case, after the conclusion of both presentations and all inquiries by the Board Members, the Board renders a decision regarding the penalties imposed. Written confirmation of that decision is sent to the protesting parties within thirty (30) days. Pursuant to Rule 14A-1.004(7), *FAC*, the Board’s decision is final. A rehearing may be requested if additional evidence is presented pursuant to a request from the Board. Parties may request a rehearing by filing such a request within 14 days of the date of the Board’s decision letter.

### Summary of Fiscal Year 2017

The Florida Highway Patrol, Office of Commercial Vehicle Enforcement, and FDOT, Office of Maintenance Motor Carrier Size and Weight, issued 82,458 citations during FY 2017. This is an increase from last fiscal year’s total of 75,171 citations issued. Of the citations issued this fiscal year, only 926 were protested and met the criteria to be heard before the Board, which is a 4.9% decrease in the number of citations heard by the CMVRB in the previous fiscal year.

Figures 1 through 6 illustrate a summary of the Board hearings for this fiscal year as well as comparisons to the previous three.

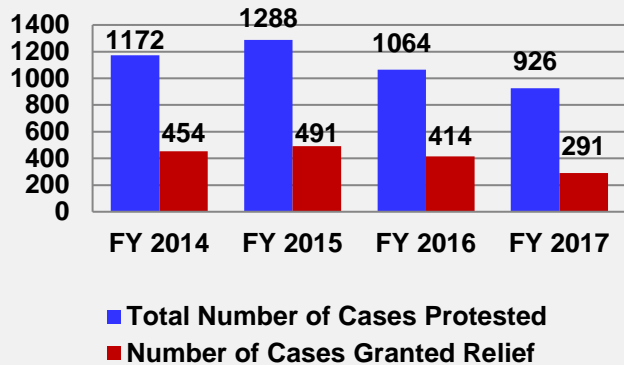
**Figure 1 - FY 2016/17 Percentage of Cases Granted Relief**



Number of Cases Granted Relief	Total Number of Cases Protested
291	926

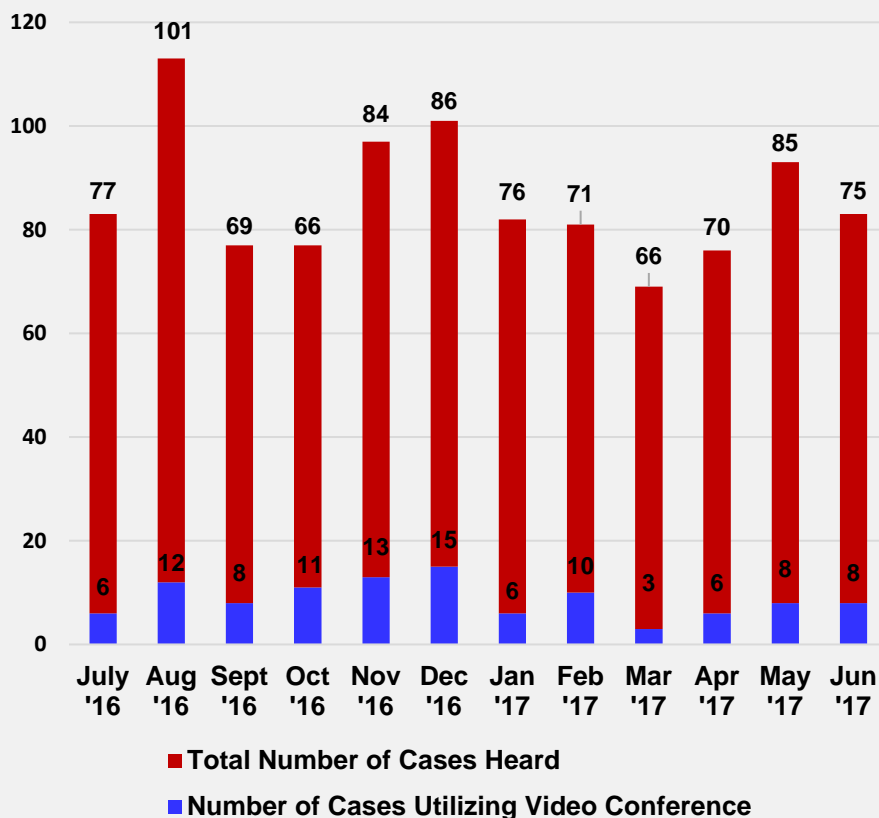
*Note: 133 cases were granted full relief and 158 cases were issued partial relief.*

**Figure 2 - FY Comparison - Number of Cases Granted Relief**



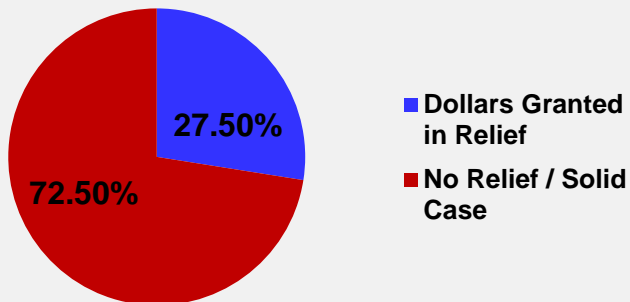
Fiscal Year	Percentage of Cases Granted Relief	Percentage of Solid Cases
2014	38.74%	61.26%
2015	38.12%	61.88%
2016	38.91%	61.09%
2017	31.43%	68.57%

**Figure 3 - Number of Cases Utilizing Video Conference**



Month	Number of Cases Utilizing Video Conference	Percentage of Cases Utilizing Video Conference
July '16	6	7.79%
Aug '16	12	11.88%
Sept '16	8	11.59%
Oct '16	11	16.67%
Nov '16	13	15.48%
Dec '16	15	17.44%
Jan '17	6	7.89%
Feb '17	10	14.08%
Mar '17	3	4.55%
Apr '17	6	8.57%
May '17	8	9.41%
Jun '17	8	10.67%

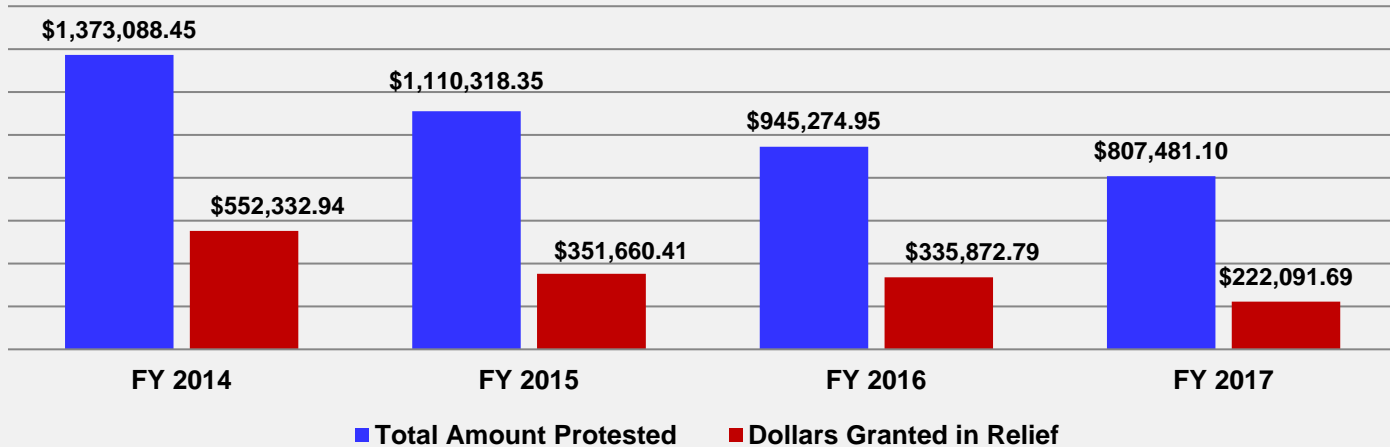
**Figure 4 - Percentage of Dollars Granted in Relief**



Dollars Granted in Relief	Total Amount of Protested Dollars
\$222,091.69	\$807,481.10

*Note: \$112,904.60 was given in full relief and \$222,968.19 in partial relief.*

**Figure 5 - FY Comparison - Dollars Granted in Relief**



Fiscal Year	Percentage of Dollars Granted in Relief
2014	40.23%
2015	31.67%
2016	35.53%
2017	27.50%

Figure 6 summarizes the Board activities for all months in FY 2017.

**Figure 6 – FY 2017 Summary of Protested Citations**

Month/Yr	Total # Citations	Total Amount of Fines			Total Amount Protested	# of Cases Granted Relief	Total Amount of Refunds			Total Amount of Refunds
		weight	safety	fuel			weight	safety	fuel	
Jul-16	77	\$39,108.50	\$19,280.00	\$2,130.00	<b>\$60,518.50</b>	25	\$11,745.24	\$3,075.00	\$250.00	<b>\$15,070.24</b>
Aug-16	101	\$50,571.10	\$19,790.00	\$2,280.00	<b>\$72,641.10</b>	35	\$19,870.00	\$5,650.00	\$0.00	<b>\$25,520.00</b>
Sep-16	69	\$42,175.25	\$24,750.00	\$1,850.00	<b>\$68,775.25</b>	22	\$9,569.55	\$4,550.00	\$220.00	<b>\$14,339.55</b>
Oct-16	66	\$35,637.70	\$16,200.00	\$1,000.00	<b>\$52,837.70</b>	25	\$13,517.40	\$5,150.00	\$0.00	<b>\$18,667.40</b>
Nov-16	84	\$39,130.30	\$38,740.00	\$1,470.00	<b>\$79,340.30</b>	18	\$12,902.00	\$8,050.00	\$265.00	<b>\$21,217.00</b>
Dec-16	86	\$40,833.05	\$17,300.00	\$1,375.00	<b>\$59,508.05</b>	28	\$14,317.80	\$4,700.00	\$95.00	<b>\$19,112.80</b>
Jan-17	76	\$38,442.25	\$21,540.00	\$1,470.00	<b>\$61,452.25</b>	24	\$8,009.85	\$1,850.00	\$0.00	<b>\$9,859.85</b>
Feb-17	71	\$40,639.60	\$36,350.00	\$560.00	<b>\$77,549.60</b>	23	\$10,913.05	\$2,950.00	\$310.00	<b>\$14,173.05</b>
Mar-17	66	\$50,222.10	\$40,900.00	\$1,530.00	<b>\$92,652.10</b>	22	\$19,964.45	\$17,712.50	\$500.00	<b>\$38,176.95</b>
Apr-17	70	\$50,754.25	\$19,950.00	\$1,370.00	<b>\$72,074.25</b>	26	\$16,822.95	\$2,150.00	\$60.00	<b>\$19,032.95</b>
May-17	85	\$39,381.80	\$21,470.00	\$2,325.00	<b>\$63,176.80</b>	26	\$14,754.15	\$1,540.00	\$220.00	<b>\$16,514.15</b>
Jun-17	75	\$26,345.20	\$18,950.00	\$1,660.00	<b>\$46,955.20</b>	17	\$8,317.75	\$1,900.00	\$190.00	<b>\$10,407.75</b>
<b>TOTAL</b>	<b>926</b>	<b>\$493,241.10</b>	<b>\$295,220.00</b>	<b>\$19,020.00</b>	<b>\$807,481.10</b>	<b>291</b>	<b>\$160,704.19</b>	<b>\$59,277.50</b>	<b>\$2,110.00</b>	<b>\$222,091.69</b>

## Conclusion

During FY 2017, the Board reviewed 1.1 percent, or 926, of the 82,458 citations issued; of these, only 0.4 percent, or 291, were awarded either full or partial relief. This is a credit to the dedication and expertise of the sworn law enforcement officers and the non-sworn inspectors ensuring compliance with *Florida Statutes* as they relate to commercial motor vehicles.

The Board's monthly activities have seen a decrease this fiscal year, reviewing on average 77 citations per month; fiscal year 2016 yielded an average of 97 citations monthly. This reduction is due in part to hurricanes Hermine and Mathew which resulted in the suspension of regulations and increased weight limits for trucks delivering relief supplies. With a predicted increase of commercial motor vehicle traffic over the next several years as well as new laws, such as the Electronic Logging Device mandate, the Board will likely see an increase proportionally with the numbers of citations it reviews annually.