



Commercial Motor Vehicle Review Board (CMVRB)

Annual Report

July 1, 2018 to June 30, 2019
Fiscal Year (FY) 2019

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 citations¹. 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) 2019 members were:

- Chairman of the Board, Secretary Mike Dew (represented by Jeffery Frost),
- Executive Director Terry Rhodes (represented by Tod Browning),
- Commissioner Adam Putnam (represented by 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*.

¹ 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.

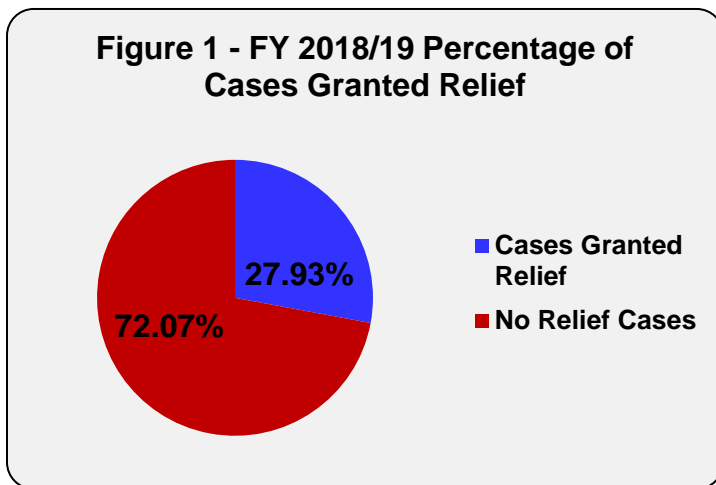
Members of the Board may direct questions to any witness at any time during the proceedings, and only testimony and evidence pertinent to the Board’s action is allowed. Irrelevant and immaterial or unduly repetitious testimony or evidence is not permitted.

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 2019

The Florida Highway Patrol, Office of Commercial Vehicle Enforcement, and FDOT, Office of Maintenance Motor Carrier Size and Weight, issued 86,604 violations during FY 2019. This is an increase from last fiscal year’s total of 81,284 violations issued. This fiscal year 911 protests were received and met the criteria to be heard before the Board, which is a 9% increase in the number of cases heard by the CMVRB in the previous fiscal year.

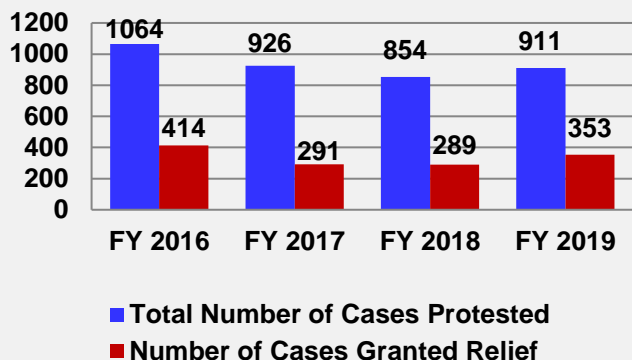
Figures 1 through 6 illustrate a summary of the Board hearings for this fiscal year as well as comparisons to the previous three.



Number of Cases Granted Relief	Total Number of Cases Protested
353	911

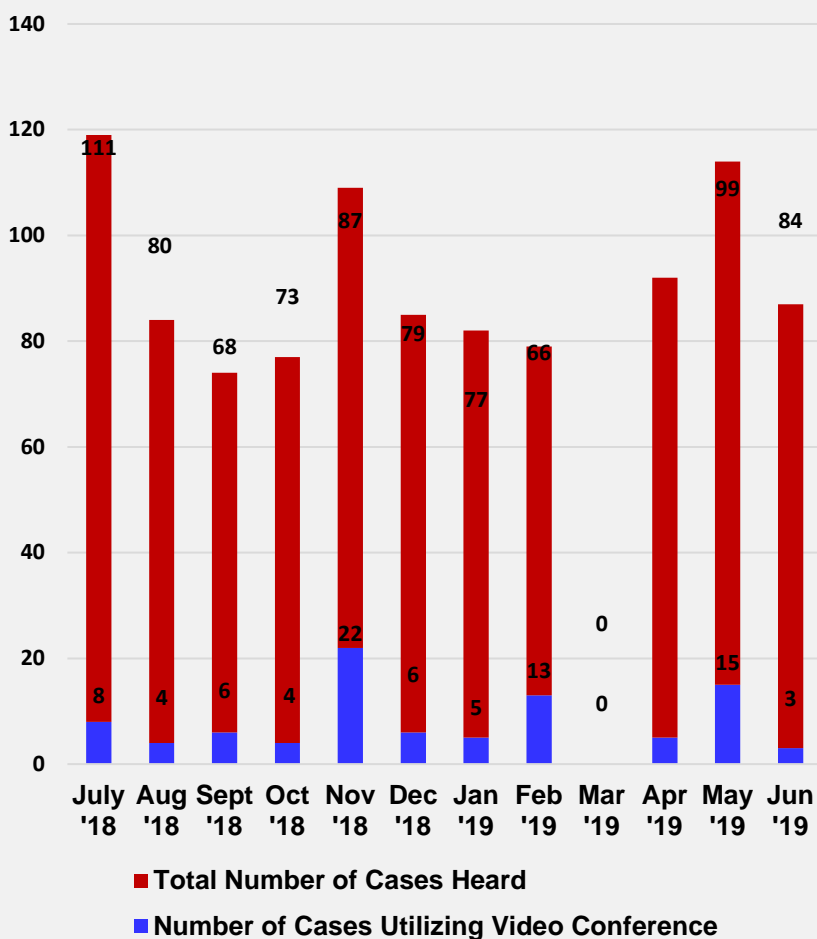
Note: 140 cases were granted full relief and 212 cases were issued partial relief.

Figure 2 - FY Comparison - Number of Cases Granted Relief



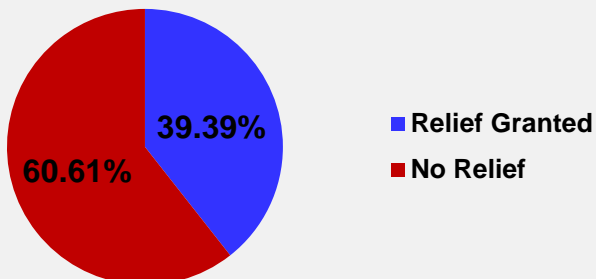
Fiscal Year	Percentage of Cases Granted Relief	Percentage of No Relief Cases
2016	38.91%	61.09%
2017	31.43%	68.57%
2018	33.84%	66.16%
2019	38.75%	61.25%

Figure 3 - Number of Cases Utilizing Video Conference



Month	Number of Cases Utilizing Video Conference	Percentage of Cases Utilizing Video Conference
July '18	8	7.21%
Aug '18	4	5.00%
Sept '18	6	8.82%
Oct '18	4	5.48%
Nov '18	22	25.29%
Dec '18	6	7.59%
Jan '19	5	6.49%
Feb '19	13	19.70%
Mar '19	Cancelled	
Apr '19	5	5.75%
May '19	15	15.15%
Jun '19	3	3.57%

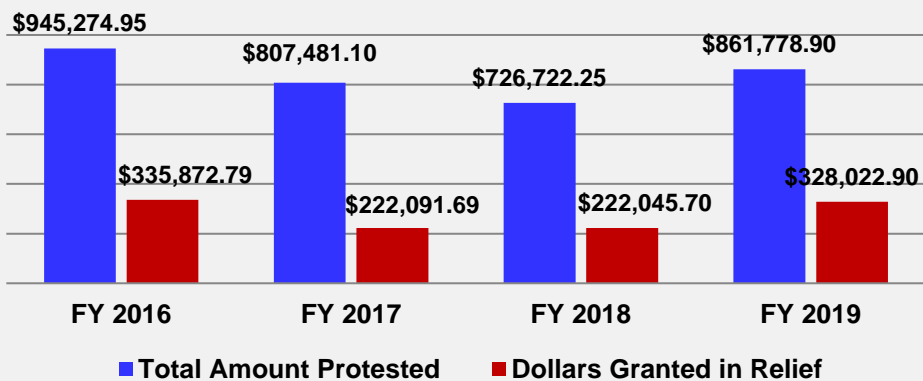
Figure 4 - Percentage of Dollars Granted in Relief



Dollars Granted in Relief	Total Amount of Protested Dollars
\$328,022.90	\$861,778.90

Note: \$94,549.80 was given in full relief and \$126,495.90 in partial relief.

Figure 5 - FY Comparison - Dollars Granted in Relief



Fiscal Year	Percentage of Dollars Granted in Relief
2016	35.53%
2017	27.50%
2018	30.55%
2019	38.06%

Figure 6 summarizes the Board activities for all months in FY 2019.

Figure 6 – FY 2019 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-18	111	\$89,323.30	\$17,350.00	\$3,635.00	\$110,308.30	43	\$35,480.33	\$2,850.00	\$495.00	\$38,825.33
Aug-18	80	\$58,712.25	\$38,290.00	\$1,720.00	\$98,722.25	35	\$23,330.47	\$20,327.50	\$0.00	\$43,657.97
Sep-18	68	\$44,814.15	\$23,090.00	\$1,470.00	\$69,374.15	31	\$21,967.75	\$4,375.00	\$125.00	\$26,467.75
Oct-18	73	\$42,501.90	\$17,440.00	\$1,315.00	\$61,256.90	32	\$21,511.65	\$7,800.00	\$155.00	\$29,466.65
Nov-18	87	\$52,745.20	\$34,350.00	\$1,335.00	\$88,430.20	38	\$24,714.10	\$19,719.75	\$50.00	\$44,483.85
Dec-18	79	\$39,487.85	\$21,700.00	\$2,060.00	\$65,237.85	35	\$11,054.35	\$10,900.00	\$220.00	\$22,174.35
Jan-19	77	\$32,296.20	\$35,000.00	\$1,630.00	\$68,926.20	27	\$11,372.80	\$14,460.00	\$155.00	\$25,987.80
Feb-19	66	\$41,850.60	\$26,950.00	\$875.00	\$69,675.60	23	\$17,414.60	\$9,375.00	\$0.00	\$26,789.60
Mar-19	CANCELLED									
Apr-19	87	\$46,388.35	\$27,450.00	\$2,440.00	\$76,278.35	25	\$15,099.95	\$10,950.00	\$440.00	\$26,489.95
May-19	99	\$44,306.75	\$25,800.00	\$2,265.00	\$72,371.75	37	\$18,831.65	\$3,450.00	\$220.00	\$22,501.65
Jun-19	84	\$60,237.35	\$19,300.00	\$1,660.00	\$81,197.35	27	\$14,308.00	\$6,700.00	\$170.00	\$21,178.00
TOTAL	911	\$552,663.90	\$286,720.00	\$20,405.00	\$861,778.90	353	\$215,085.65	\$110,907.25	\$2,030.00	\$328,022.90

Conclusion

During FY 2019, the Board reviewed or 911 cases: of these; 353 were awarded either full or partial relief.

The Board's monthly activities have seen an increase this fiscal year, reviewing on average 76 cases per month. With a predicted increase of commercial motor vehicle traffic over the next several years the Board will likely see an increase proportionally with the numbers of citations it reviews annually.