

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4961

IN THE MATTER OF:

Served October 29, 1996

Investigation of Unauthorized )  
Operations of ALL-STAR )  
PRESIDENTIAL, LLC, and )  
PRESIDENTIAL COACH CO. and )  
Affiliation with PRESIDENTIAL )  
LIMOUSINE SERVICE, INC., WMATC )  
No. 148 )

Case No. MP-95-82

The investigation of Presidential Coach and All-Star Presidential was terminated on September 20, 1996, in Order No. 4938 on the strength of certificates of dissolution issued by the District of Columbia Department of Consumer and Regulatory Affairs, Business Regulation Administration, on September 6, 1996. The investigation was continued, however, with respect to Presidential Limousine.

We ordered Presidential Limousine to file on or before October 4, a list of the vehicles in its possession, custody or control, and for each of those vehicles proof of safety inspection and proof of ownership or a lease. The vehicles were to be presented for inspection before October 18.

Presidential Limousine presented three vehicles for inspection on October 2. None of the vehicles displayed a safety inspection sticker. One had the wrong registration card,<sup>1</sup> and one had an expired registration card. Two of the registration cards were issued in the name of Presidential Coach, notwithstanding its dissolution. The other was issued in the name of "Autotech Leasing Associates c/o Presidential Coach, Inc."

Commission staff obtained a list of Presidential Limousine's vehicles from its insurance broker on October 4 when Presidential Limousine missed the filing deadline. The broker's list shows ten vehicles. Presidential Limousine eventually filed a vehicle list on October 7, but the list describes only the three vehicles presented for inspection on October 2. To date, Presidential Limousine has filed no proof of safety inspection and no proof of ownership or lease for any of the vehicles in its possession, custody or control.

We noted in Order No. 4938 that upon Presidential Limousine's failure to timely comply with the requirements of that order, Certificate No. 148 would stand suspended and be subject to revocation without further notice.

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<sup>1</sup> This was corrected by the time the vehicle was reinspected on October 17.

The Commission may revoke a certificate "for willful failure to comply with . . . an order, rule, or regulation of the Commission." The term "willful" does not mean with evil purpose or criminal intent; rather, it describes conduct marked by careless disregard.<sup>2</sup>

Under Commission Regulation No. 62, a carrier may not operate a leased vehicle unless and until an appropriate lease has been filed with and accepted by the Commission. A review of Presidential Limousine's annual report for 1995, the vehicle lists filed in this proceeding and staff's inspection records reveals that Presidential Limousine has been operating several leased vehicles since at least January 1, 1996, none of which is covered by a lease on file with this Commission.

Under Commission Regulation No. 64, the Commission has adopted the Federal Motor Carrier Safety Regulations appearing in Title 49 of the Code of Federal Regulations. Pursuant to 49 C.F.R. § 396.17, vehicles for hire with a seating capacity of more than fifteen persons must be inspected annually. Under 49 C.F.R. § 396.21, the carrier must keep a record of the inspection for fourteen months and produce it on demand of an authorized federal, state or local official. Presidential Limousine's failure to produce the requested records permits a negative inference<sup>3</sup> -- in this case, an inference going to the safe condition of vehicles in Presidential Limousine's possession, custody or control.

This investigation was initiated on November 14, 1995.<sup>4</sup> Presidential Limousine has had more than ample time to bring its operations into compliance with the Compact and regulations thereunder. Presidential Limousine cannot claim ignorance of Regulations Nos. 62 and 64. Accordingly, we find that the failure to comply with Order No. 4938 and Regulations Nos. 62 and 64 was willful within the meaning of the Compact.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 148 is hereby revoked.
2. That Presidential Limousine Service, Inc., is hereby directed to remove from all vehicles in its possession, custody or control the identification placed thereon pursuant to Commission Regulation No. 61.

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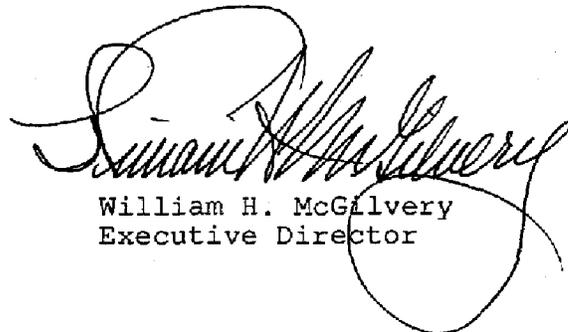
<sup>2</sup> In re Capital Tours & Transp., Inc., t/a Suburban Airport Shuttle, No. MP-95-88, Order No. 4765 (Feb. 13, 1996); In re Bill Appell, t/a Personal Pace Tours/Tech Tours Wash., No. MP-95-18, Order No. 4618 (June 26, 1995).

<sup>3</sup> In re All-Star Presidential, LLC, & Presidential Coach Co., & Presidential Limo. Serv., Inc., No. MP-95-82, Order No. 4774 (Feb. 27, 1996).

<sup>4</sup> Order No. 4697.

3. That Presidential Limousine Service, Inc., is hereby directed to file within 30 days from the date of this order a notarized affidavit verifying that respondent has complied with the preceding paragraph.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON AND MILLER:



William H. McGilvery  
Executive Director