

Decision No. C14-1434

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-1125CP

IN THE MATTER OF THE PETITION OF LISA CHITTUM FOR AN ORDER OF THE COMMISSION AUTHORIZING AN EXTENSION OF TIME TO DRIVE FOR A MOTOR CARRIER WHILE AWAITING THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK.

**COMMISSION DECISION GRANTING
EXTENSION OF TIME**

Mailed Date: December 5, 2014
Adopted Date: November 24, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Request for Extension of Time filed by Lisa Chittum (Petitioner) on November 21, 2014.

2. In early September 2014, Petitioner submitted a set of fingerprints to the Commission to execute a criminal history record check in accordance with § 40-10.1.110, C.R.S.

3. On September 5, 2014, those fingerprints were sent by the Commission to the Colorado Bureau of Investigation (CBI).

4. CBI records reflect that the fingerprints were returned to the Commission on September 8, 2014, with a note that the fingerprints were too smudged for the criminal history record check to be performed. The returned fingerprint card and note were not actually received by the Commission. The Commission was not aware that CBI had been unable to process the fingerprint card until Petitioner contacted the Commission to inquire as to her status in November.

5. Section 40-10.1-110(2), C.R.S., provides that a driver may drive for a motor carrier for up to 90 days for a motor carrier pending the outcome of that driver's criminal history record check. Section 40-10.1-110(2), C.R.S., also provides that the Commission "may temporarily extend the ninety-day period, in accordance with section 24-33.5-412 (7), C.R.S., based on a delay in processing criminal history record checks by the Colorado bureau of investigation or other exigent circumstances beyond the commission's control."

6. On November 21, 2014, Petitioner filed her Petition, requesting an extension of time on her 90-day period.

7. These circumstances constitute other exigent circumstances beyond the Commission's control, and therefore we will grant Petitioner an additional 90 days from the mailing date of this Decision to be allowed to drive, or until her criminal history record check results are received at the Commission, whichever comes first, pursuant to § 40-10.1-110(2), C.R.S.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Lisa Chittum on November 21, 2014, requesting that the Commission grant an extension of time to continue driving pending the outcome of Ms. Chittum's criminal history record check is granted.

2. Lisa Chittum is granted an additional 90 days from the mailing date of this Decision or until her criminal history record check results are received at the Commission, whichever occurs first.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 24, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners