**Section 1304.10 Fitness Standards**

The applicant shall present clear and convincing evidence by information contained in the application for authority, personal testimony, and testimony of supporting shippers, that fitness has been established for the issuance of the requested authority. In determining whether the applicant is fit to operate as an intrastate motor carrier of property, the Illinois Commerce Commission shall consider the following factors:

a) Whether the applicant possesses, or can acquire, equipment and facilities of a type required for the transport of the commodities requested, at the shipment levels specified in the applicant's shipper support statements, as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment which is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);

b) Whether the applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers.

c) Safety Record

1) The applicant's safety record as evidenced by a certification or record from the Bureau of Motor Carrier Safety of the United States Department of Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:

A) any motor carrier safety citations issued against the applicant during the three years preceding application; and

B) whether the file contains any record of any disciplinary action, taken or pending, during the three years preceding application;

2) The Commission will examine citations and disciplinary actions to determine whether a pattern of violations exists and to review the severity of the violations.

d) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.

e) For purposes of subsection (d) "applicant" shall mean proprietor(s), partners, or, in the case of a corporation, the directors, the corporate officers, and anyone holding in excess of 10% of the corporation's voting stock.

f) Financial condition of the applicant as represented by the completed financial statement (Supporting Document FIS, consisting of balance sheet and projected income statement) included with the application. Evidence will be required at hearing to corroborate the information provided in the financial statement with the information in the shipper support statements.

g) Whether the applicant is currently, or has been the subject of civil penalty action by the Commission. In determining whether to grant authority to an applicant who is currently, or has been the subject of prior civil penalty action the Commission shall consider:

1) whether the violations were knowing and willful;

2) whether the violations caused economic harm to authorized carriers;

3) whether a pattern of violations exists;

4) the applicant's cooperation in resolving previous violations; and

5) whether the applicant is delinquent in paying a monetary settlement or civil penalty assessed by the Commission.

(Source: Amended at 15 Ill. Reg. 17580, effective December 1, 1991)