

# Superintendencia de Puertos y Transporte

República de Colombia

**TODOS POR UN NUEVO PAÍS** 

Bogotá, 11/12/2015

Al contestar, favor citar en el asunto, este No. de Registro 20155500774181

Señor Representante Legal y/o Apoderado(a) SABETRANS LTDA **CALLE 15 No. 27B - 36** YUMBO - VALLE DEL CAUCA

ASUNTO: NOTIFICACIÓN POR AVISO

De manera atenta, me permito comunicarle que la Superintendencia de Puertos y Transporte, expidió la(s) resolución(es) No(s) 24910 de 27/11/2015 por la(s) cual(es) se ABRE una investigación administrativa a esa empresa.

De conformidad con el artículo 69 de la Ley 1437 de 2011 por la cual se expide el Código de Procedimiento Administrativo y de lo Contencioso Administrativo, se remite para lo pertinente copia íntegra de la(s) resolución(es) en mención, precisando que las mismas quedarán debidamente notificadas al finalizar el día siguiente a la fecha de entrega del presente aviso en el lugar de destino.

Adicionalmente, me permito informarle que los recursos que legalmente proceden y las autoridades ante quienes deben interponerse los mismos, se relacionan a continuación:

Procede recurso de reposición ante el Superintendente delegado de Transito y Transporte Terrestre Automotor dentro de los 10 días hábiles siguientes a la fecha de notificación.

SI

Procede recurso de apelación ante el Superintendente de Puertos y Transporte dentro de los 10 días hábiles siguientes a la fecha de notificación.

SI

Procede recurso de queja ante el Superintendente de Puertos y Transporte dentro de los 5 días hábiles siguientes a la fecha de notificación.

> SI NO

Si la(s) resolución(es) en mención corresponden a una(s) apertura de investigación, procede la presentación de descargos, para cuya radicación por escrito ante la Superintendencia de Puertos y Transporte cuenta con el plazo indicado en la parte resolutiva del acto administrativo que se anexa con el presente aviso.

Sin otro particular.

**VALENTINA RUBIANO RODRIGUEZ Coordinador Grupo Notificaciones** 

Anexo: Lo enunciado. Proyectó: Yoana Sanchez C:\Users\karolleal\Desktop\ABRE.odt

# REPÚBLICA DE COLOMBIA



#### MINISTERIO DE TRANSPORTE

# SUPERINTENDENCIA DE PUERTOS Y TRANSPORTE

RESOLUCIÓN

No.

-2491 (del

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Por la cual se abre investigación administrativa en contra de la empresa de servicio público de transporte terrestre automotor de carga denominada SABETRANS LTDA, identificada con N.I.T. 900.214.466-2.

# EL SUPERINTENDENTE DELEGADO DE TRÁNSITO Y TRANSPORTE TERRESTRE AUTOMOTOR

En ejercicio de las facultades legales y en especial las que le confiere el numeral 9 del artículo 44 del Decreto 101 de 2000, numerales 9 y 13 del artículo 14 del Decreto 1016 de 2000, artículos 3,4, 6 y 10 del Decreto 2741 de 2001 y Decreto 173 de 2001.

# **CONSIDERANDO:**

De conformidad con lo previsto en el artículo 41 del Decreto 101 de 2000, modificado por el artículo 3 del Decreto 2741 de 2001, se delega en la Superintendencia de Puertos y Transporte "Supertransporte", la función de vigilar, inspeccionar y controlar la aplicación y el cumplimiento de las normas que rigen el sistema de tránsito y transporte.

Acorde con lo preceptuado en el artículo 42 del Decreto 101 de 2000, modificado por el artículo 4 del Decreto 2741 de 2001, son sujetos de vigilancia, inspección y control de la Superintendencia de Puertos y Transporte "Supertransporte", las personas jurídicas con o sin ánimo de lucro, las empresas unipersonales y las personas naturales que presten el servicio público de transporte.

En virtud de lo previsto en el numeral 9 del artículo 14 del Decreto 1016 de 2000 modificado por el artículo 10 del Decreto 2741 de 2001 la Superintendencia Delegada de Tránsito y Transporte Terrestre Automotor tiene entre otras, la función de asumir de oficio o a solicitud de cualquier autoridad o persona interesada, la investigación de las violaciones de las normas relativas al transporte terrestre de conformidad con la legislación vigente.

De conformidad con lo previsto en el Título I Capítulo IX de la Ley 336 de 1996 y artículo 51 del Decreto 3366 de 2003, establece: "Cuando se tenga conocimiento de una infracción a las normas de transporte, la Autoridad Competento abri;á i investigación..."

# RESOLUCIÓN No.

Del

Por la cual se abre investigación administrativa en contra de la empresa de servicio público de transporte terrestre automotor de Carga denominada SABETRANS LTDA, identificada con N.I.T. 900.214.466-2

#### **HECHOS**

Las Autoridades de Tránsito y Transporte en cumplimiento de sus funciones legales, elaboraron y trasladaron a ésta Superintendencia, el Informe Único de Infracción al Transporte No. 0-158638 de fecha 19 de septiembre del 2013, impuesto al vehículo identificado con placa VMT-790, el cual transportaba carga para la empresa SABETRANS LTDA, identificada con N.I.T. 900.214.466-2, presuntamente por exceder los límites de peso establecidos en la normatividad, y conforme a los datos registrados en el respectivo tiquete de báscula.

#### **CONSIDERACIONES DEL DESPACHO**

Teniendo en cuenta que ésta Superintendencia es competente para adelantar las actuaciones administrativas a que hubiere lugar, en los eventos en que personas naturales o jurídicas, infrinjan de manera directa o indirecta las normas regulatorias del transporte en el territorio nacional, se hace imperativo, con fundamento en el Informe único de Infracciones al Transporte que se enuncian en el acápite de pruebas, abrir investigación administrativa, previo el análisis jurídico y probatorio que se presenta a continuación:

#### **FUNDAMENTO NORMATIVO**

Ley 336 de 1996, artículo 46, literal d), modificado por el artículo 96 de la ley 1450 de 2011 que indica:

- "Artículo 46. Con base en la graduación que se establece en el presente artículo, las multas oscilarán entre 1 y 2.000 salarios mínimos mensuales vigentes teniendo en cuenta las implicaciones de la infracción y procederán en los siguientes casos:
- (...) d) En los casos de incremento o disminución de las tarifas de prestación de servicios no autorizada, o cuando se compruebe que el equipo excede los límites permitidos sobre dimensiones, peso y carga".

Decreto 173 de 2001, "Por el cual se reglamenta el servicio público terrestre automotor de carga."

Resolución 10800 de Diciembre 12 de 2003, artículo 1° Código infraccion 560: "Permitir, facilitar, estimular, propiciar, autorizar, o exigir el transporte de mercancías con peso superior al autorizado, sin portar el permiso correspondiente."

Resolución 4100 de 28 de Diciembre de 2004, "Por la cual se adoptan los limites de pesos y dimensiones en los vehículos de transporte terrestre automotor de carga por carretera, para su operación normal en la red vial a nivel nacional."

Resolución 1782 de 08 de Mayo de 2009, "Por la cual se modifica el artículo 8º de la Resolución 4100 de 28 de Diciembre de 2004."

Resolución 11357 de 10 de Diciembre de 2012, por la cual se modifica el artículo 5 de la resolución 2888 de 14 de Octubre de 2005.

#### RESOLUCIÓN No.

Del

Por la cual se abre investigación administrativa en contra de la empresa de servicio público de transporte terrestre automotor de Carga denominada SABETRANS LTDA, identificada con N.I.T. 900.214.466-2

#### **PRUEBAS**

Informe Único de Infracción al Transporte No.0-158638. Tiquete de Báscula No.1031559.

Teniendo como soporte el Informe de Infracción al Transporte señalado, este Despacho, considera que existe mérito para abrir investigación administrativa e imputar el siguiente cargo:

#### FORMULACIÓN DE CARGOS

CARGO ÚNICO: La empresa de transporte público terrestre automotor SABETRANS LTDA identificada con N.I.T. 900.214.466-2, presuntamente transgredió lo dispuesto en el literal d) del artículo 46 de la ley 336 de 1996, modificado por el artículo 96 de la Ley 1450 del 2011, en concordancia con lo normado en el código 560 del artículo 1º de la Resolución No. 10800 de 2003; por cuanto el vehículo de placa VMT-790, excedió el peso máximo permitido, según el material probatorio allegado al presente procedimiento.

Así las cosas, de acuerdo a lo normado en el artículo 50 de la Ley 336 de 1996, "cuando se tenga conocimiento de la comisión de una infracción a las normas de transporte, la autoridad competente abrirá investigación en forma inmediata mediante resolución motivada contra la cual no cabrá recurso alguno", es por eso que ante la presunta violación a la norma mencionada, esta Superintendencia procederá a iniciar investigación administrativa en contra de la empresa SABETRANS LTDA ,antes mencionada con el fin de determinar su responsabilidad en los hechos ya mencionados.

En el evento de comprobarse la violación a la normatividad aludida, ello dará lugar a la imposición de la sanción señalada en el parágrafo literal a) del artículo 46 de la Ley 336 de 1996, que al tenor establece:

"Artículo 46.-Con base en la graduación que se establece en el presente artículo, las multas oscilarán entre 1 y 2000 salarios mínimos mensuales vigentes teniendo en cuenta las implicaciones de la infracción y procederán en los siguientes casos:

a. (...);

**Parágrafo.**-Para la aplicación de las multas a que se refiere el presente artículo se tendrán en cuenta los siguientes parámetros relacionados con cada modo de transporte:

- a. Transporte terrestre: de uno (1) a setecientos (700) salarios mínimos mensuales vigentes;
- **b.** (...)"

En mérito de lo expuesto, ésta Delegada

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Por la cual se abre investigación administrativa en contra de la empresa de servicio público de transporte terrestre automotor de Carga denominada SABETRANS LTDA, identificada con N.I.T. 900.214.466-2

#### **RESUELVE:**

ARTÍCULO PRIMERO: ABRIR investigación administrativa a la empresa de servicio público de transporte terrestre automotor de carga denominada SABETRANS LTDA, identificada con N.I.T. 900.214.466-2, por la presunta transgresión de lo dispuesto en el literal d) del artículo 46 de la Ley 336 de 1996 modificado por el artículo 96 de la Ley 1450 de 2011, en concordancia con lo normado en el código de Infracción 560 del artículo 1º de la Resolución No. 10800 de 2003, con fundamento en los argumentos expuestos en la parte motiva de esta Resolución.

ARTÍCULO SEGUNDO: Tener como pruebas las documentales señaladas en la parte motiva del presente acto.

ARTICULO TERCERO: NOTIFICAR el contenido de la presente Resolución por conducto de la Secretaria General de la Superintendencia de Puertos y Transporte al Representante Legal y/o quien haga sus veces de la empresa de servicio público de transporte terrestre automotor de carga denominada SABETRANS LTDA, identificada con N.I.T. 900.214.466-2, con domicilio en la ciudad de YUMBO / VALLE DEL CAUCA en la CL. 15 NRO. 27B 36, correo electrónico sabetransltda@hotmail.com o en su defecto por aviso de conformidad con los artículos 66 y siguientes del Código de Procedimiento Administrativo y de lo Contencioso Administrativo. Copia de la comunicación a que se refiere el presente artículo y la constancia de envío y recibo de la misma, deberá ser remitida a la Superintendencia Delegada de Tránsito y Transporte Terrestre Automotor para que forme parte del respectivo expediente, así como también del acto de notificación personal o por aviso, según el caso.

ARTÍCULO CUARTO: Correr traslado al investigado por un término de días diez (10) días hábiles, contados a partir del día siguiente de la notificación del presente acto administrativo, conforme al artículo 51 del Decreto 3366 de 2003, para que por escrito responda los cargos aquí formulados, solicite y aporte las pruebas que considere pertinentes y conducentes para el esclarecimiento de los hechos. Al ejercer su derecho de defensa cite en el asunto el número de Informe Único de Infracciones de Transporte.

**ARTÍCULO QUINTO:** Contra la presente Resolución NO procede recurso alguno, según lo establecido por el artículo 50 de la Ley 336 de 1996.

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Dada en Bogotá D.C., a los

**NOTIFÍQUESE Y CÚMPLASE** 

JORGE ANDRES ESCOBAR FAJARDO

≲uperintendente Delegado de Tránsito y Transporte Terrestre Automotor

Proyectó: Yessica Chaconii Reviso Andrea Valcárce Revisó. Cordinador Grupor UIT

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Usuario Radicador KARENSERRATO -Fecha Radicado 08/10/2013 08:68 26

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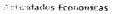
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# Registro Mercantil

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#### Información Propietario / Establecimientos, agencias o sucursales

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Contácterios éQue es el RUES? Cámaras de Comercio Cambiar Contraseña Cerrar Sesion 1013615522



CONFECAMARAS - Gerencia Registro Único Empresarial y Social Carrera 13 No 26A - 47 of 502 Bogotá, Colombia



#### Superintendencia de Puertos y Transporte República de Colombia



Al contestar, favor citar en el asunto este No. de Registro 20155500741801

0155500741801

Bogotá, 27/11/2015

Señor Representante Legal y/o Apoderado (a) SABETRANS LTDA CALLE 15 No. 27B - 36 YUMBO - VALLE DEL CAUCA

**ASUNTO: CITACION NOTIFICACION** 

Respetado(a) señor(a):

De manera atenta, me permito comunicarle que la Superintendencia de Puertos y Transporte, expidió la(s) resolución(es) No(s) 24910 de 27/11/2015 por la(s) cual(es) se ABRE una investigación administrativa a esa empresa.

En consecuencia debe acercarse a la Secretaria General de esta Entidad, ubicada en la Calle 63 No. 9A-45 de la ciudad de Bogotá, con el objeto que se surta la correspondiente notificación personal; de no ser posible, ésta se surtirá por aviso de conformidad con el artículo 69 del Código de Procedimiento Administrativo y de lo Contencioso Administrativo.

En los eventos en que se otorgue autorización para surtir la notificación personal, se debe especificar los números de las resoluciones respecto de las cuales autoriza la notificación, para tal efecto en la página web de la entidad <a href="www.supertransporte.gov.co">www.supertransporte.gov.co</a>, link "Resoluciones y edictos investigaciones administrativas" se encuentra disponible un modelo de autorización, el cual podrá ser tomado como referencia. Así mismo se deberá presentar copia del decreto de nombramiento y acta de posesión, si es del caso.

En el caso que desee hacer uso de la opción de realizar el trámite de notificación electrónica para futuras ocasiones, usted señor(a) representante legal deberá diligenciar en su totalidad la autorización que se encuentra en el archivo Word anexo a la Circular 16 del 18 de junio de 2012 la cual se encuentra en la página web de la Entidad <a href="https://www.supertransporte.gov.co">www.supertransporte.gov.co</a> en el link "Circulares Supertransporte" y remitirlo a la calle 63 No. 9A-45 de la ciudad de Bogotá.

Sin otro particular.

VALENTINA RUBIANO RODRIGUEZ Coordinadora Grupo Notificaciones Transcribió: FELIPE PARDO PARDO

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Representante Logal y/o Apoderado SABETRANS LTDA CALLE 15 No. 27% - 36
YUMBO - VALLE CEL CAUCA



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SUPERINTENDENCIA DE PUERTOS Y TRANSPORTES FL'ERTOS Y TRANS Dirección: CALLE 63 9A 45

Ciudad:BOGOTA O.C.

Departamento:BOGOTA 0 Codigo Postal:110231; Envio:RN498047028C(

#### DESTINATARIO Nombre/ Razón Social: S46ETHANS LTDA

Dirección:CALLE 15 No. 27B

Ciudad-YUMBO

Departamento: VALLE DEL

Codigo Postal: 760502-Fecha Pre-Admisión: 15/12/2015 15/23, 14 X- herocrete de parga UNI/200 de.

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