

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **BM Express Inc of Overland Park, Kansas,**)
Regarding the Violation of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.) Docket No. 24-TRAM-167-UCR

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend BM Express Inc of Overland Park, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in interstate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 4018866.
3. On August 29, 2023, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$300 for failure to pay the Unified Commercial Registration (UCR) fees for 2023 in this docket.¹
4. Carrier was sent a collection letter on October 3, 2023 reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto.

¹See Penalty Order (Aug. 29, 2023).

5. As of November 8, 2023, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

6. Staff asks the Commission find that Carrier's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

7. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$300 as well as its 2023 UCR fees, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier.

Respectfully submitted,

/s/ Ahsan A. Latif

Ahsan A. Latif, #24709
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For Commission Staff

October 3, 2023

BM Express Inc
12641 Antioch Rd Pmb 1186
Overland Park, KS 66213-1701

Re: Docket No. 24-TRAM-167-UCR
In the Matter of the Investigation of **BM Express Inc of Overland Park, Kansas**, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

On August 29, 2023, a Penalty Order was issued against BM Express Inc for violations of motor carrier safety statutes, rules and regulations. The order required two things to be completed: first it assessed it a civil penalty of \$300 and second it ordered you to remit payment of your outstanding 2023 UCR fees.

To date, this civil penalty has not been paid and/or the 2023 UCR fees remain unpaid. According to our records, evidence has not been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$300, through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

In addition to payment of the penalty, the Commission order required payment of outstanding UCR fees for 2023. As soon as possible, remit payment of UCR fees for 2023 through the UCR payment portal available at www.ucr.gov.

Payment of both the penalty and the unpaid UCR fees must be made within the next 10 days.

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call UCR Manager Verna Jackson at (785) 271-3104.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
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CERTIFICATE OF SERVICE

24-TRAM-167-UCR

I, the undersigned, certify that a true copy of the attached motion has been served to the following by means of electronic service on November 8, 2023.

Daria Kistanova, OWNER BM
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210 Overland Park, KS 66213
bmexpress55@gmail.com

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/s/Abigail Emery
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