

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Emergency Suspension of)
Operating Authority of **Luis Trucking LLC of**)
Kansas City, Kansas, for Failure to Comply with) Docket No. 23-TRAM-860-OOS
New Entrant Safety Requirements as Required by)
the Motor Carrier Safety Statutes, Rules and)
Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Luis Trucking LLC is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Luis Trucking LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 4012497.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Luis Trucking LLC's New Entrant Registration had been revoked effective May 30, 2023, for failure to comply with safety requirements.

7. Pursuant to the above authority, on June 8, 2023, the Commission entered an Emergency Suspension of Operating Authority Order on Luis Trucking LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. Staff submitted a Report and Recommendation (R&R), dated July 12, 2023, attached hereto as Attachment "A" and is hereby incorporated by reference. In its R&R, Staff made recommendations regarding Carrier.

9. On May 31, 2023, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Luis Trucking LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 4012497 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference.

10. Carrier further submitted evidence of attendance at a Kansas Corporation Commission-sponsored safety seminar. A representative of Carrier attended on July 11, 2023.

11. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Luis Trucking LLC's motor carrier operations in Kansas.

IV. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Luis Trucking LLC because it is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

13. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Luis Trucking LLC's motor carrier intrastate motor carrier operations in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Luis Trucking LLC's intrastate motor carrier operations in Kansas are hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 07/20/2023



Lynn M. Retz
Executive Director

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ATTACHMENT “A”

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: May 31, 2023

SUBJECT: Docket No. 23-TRAM-860-OOS
In the Matter of the Emergency Suspension of Operating Authority of **Luis Trucking LLC of Kansas City, Kansas**, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations.

EXECUTIVE SUMMARY:

Luis Trucking LLC (Carrier) is a common motor carrier, primarily hauling general freight, construction, and other. Carrier operates under United States Department of Transportation (USDOT) No. 4012497. On May 19, 2023, the Federal Motor Carrier Safety Administration (FMCSA) forwarded a notice of violation(s) of the federal motor carrier safety regulations to Carrier, wherein Carrier was given 10 days to comply with the regulations. On May 30, 2023, FMCSA records indicate Carrier had not complied with new entrant requirements. As a result, the FMCSA issued Carrier an Order to Revoke "New Entrant" Registration and Cease All Interstate Transportation.

On June 8, 2023, the Commission entered an Emergency Suspension of Operating Authority Order on Luis Trucking LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

On July 3, 2023, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Luis Trucking LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 4012497 has been approved and the carrier's authority to operate in interstate operations has been reinstated.

The carrier also attended a Commission Sponsored Safety Seminar on July 11, 2023.

Based on the Federal Motor Carrier Safety Administration's reinstatement, Staff recommends reinstatement of Luis Trucking LLC's intrastate motor carrier operations in Kansas.

DISCUSSION AND ANALYSIS:

K.S.A. 66-1,129a states:

a) The commission, at any time for good cause shown, may suspend the operation of any motor carrier subject to economic or safety rules and regulations adopted by the commission. Upon notice and an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act, the commission may revoke, amend, initiate sanctions or fine any motor carrier who has a certificate, license or permit issued by the commission or is subject to the safety rules and regulations adopted by the commission. Any motor carrier suspended prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

On May 19, 2023, the FMCSA forwarded a notice of violation(s) of the federal motor carrier safety regulations to Carrier, wherein Carrier was given 10 days to comply with the regulations. On May 30, 2023, FMCSA records indicate Carrier had not complied with new entrant requirements. As a result, the FMCSA issued Carrier an Order to Revoke "New Entrant" Registration and Cease All Interstate Transportation.

On June 8, 2023, the Commission entered an Emergency Suspension of Operating Authority Order on Luis Trucking LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

RECOMMENDATION:

On July 3, 2023 the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Luis Trucking LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 4012497 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Luis Trucking LLC's intrastate motor carrier operations in Kansas.

ATTACHMENT “B”



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

IRVIN ANTONIO LUIS VELA
JOSE A LUIS RUIZ
LUIS TRUCKING LLC
5910 SEWELL AVE
KANSAS CITY, KS 66104

1200 New Jersey Ave., S.E.
Washington, DC 20590
July 3, 2023

In reply refer to:
USDOT Number: 4012497
MC Number: MC1511196

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since LUIS TRUCKING LLC's USDOT New Entrant registration was revoked on May 30, 2023, and that LUIS TRUCKING LLC has reapplied in accordance with 49 CFR 385.329. This is to inform LUIS TRUCKING LLC that LUIS TRUCKING LLC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; LUIS TRUCKING LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-8533 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of LUIS TRUCKING LLC's USDOT New Entrant registration and LUIS TRUCKING LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

LUIS TRUCKING LLC's 18-month new entrant safety monitoring period restarts as of July 3, 2023. FMCSA will continue to monitor and evaluate LUIS TRUCKING LLC's safety management practices and on-road performance to ensure LUIS TRUCKING LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of LUIS TRUCKING LLC's USDOT New Entrant or permanent registration.

LUIS TRUCKING LLC's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by LUIS TRUCKING LLC as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

David J. Yessen, Chief, Compliance Division

CERTIFICATE OF SERVICE

23-TRAM-860-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 07/20/2023.

AHSAN LATIF, LITIGATION COUNSEL
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Irvin Luis-Vela, MEMBER
Luis Trucking LLC
5910 Sewell Ave
Kansas City, KS 66104

/S/ KCC Docket Room
KCC Docket Room