

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Investigation of )  
**Varco Motors, LLC of Denison,** )  
**Kansas,** Pursuant to the Kansas ) Docket No. 16-GIMM-480-KHP  
Highway Patrol Issuance of a Notice of )  
Violation for Violations of the Federal )  
Motor Carrier Safety Regulations, as )  
adopted by K.S.A. 66-1,129, and )  
implemented by K.A.R. 82-4-3. )

**ORDER REINSTATING MOTOR CARRIER OPERATIONS IN KANSAS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION AND BACKGROUND**

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, 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. 2016 Supp. 66-1,129a, 66-1,130, and 66-1,142b, 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. 2016 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. FINDINGS OF FACTS**

4. Varco Motors, LLC of Denison, Kansas (Respondent) is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108, that operates commercial motor vehicle(s) in commerce.

5. Respondent operates under USDOT Number 1170641.

6. On February 29, 2016, the Commission issued Respondent a Notice and Invoice (Invoice No. H000560937) assessing Respondent a civil fine in the amount of \$300 for violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129, and implemented by K.A.R. 82-4-3, discovered during a routine motor carrier stop and inspection on February 22, 2016, by a Kansas Highway Patrolman. The Notice gave Respondent 30 days to pay the fine or to request an administrative hearing.

7. On April 27, 2016, the Respondent filed a request for hearing, contesting the violation(s) set out in the Notice and Invoice.

8. On July 12, 2016, the Commission issued an Order Dismissing Request for Hearing as Respondent advised Transportation Staff that it no longer wished to contest the matter and will pay the fine.

9. On March 9, 2017, the Commission issued an Order Suspending Motor Carrier Operations in Kansas due to the Respondent's failure to pay the fine.

10. On March 9, 2017, Transportation Staff received payment in full from the Respondent.

11. On March 9, 2017, Commission Staff filed a Motion to Reinstate Varco Motors, LLC's Motor Carrier Operations in Kansas due to its compliance with the Suspension Order dated March 9, 2017.

### **III. CONCLUSIONS OF LAW**

9. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

10. A Notice and Invoice (Invoice No. H000560937) was issued to Varco Motors, LLC on February 29, 2016, in the amount of \$300 for violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129, and implemented by K.A.R. 82-4-3, discovered during a routine motor vehicle stop and inspection on February 22, 2016, by a Kansas Highway Patrolman. The Notice gave Respondent 30 days to pay the civil fine or request an administrative hearing.

11. On April 27, 2016, Respondent filed a Request for Hearing, contesting the violation(s) set out in the Notice and Invoice.

12. On July 12, 2016, the Commission issued an Order Dismissing Request for Hearing as Respondent advised Transportation Staff that it no longer wished to contest the matter and will pay the fine.

13. On March 9, 2017, the Commission issued an Order Suspending Motor Carrier Operations in Kansas due to the Respondent's failure to pay the fine.

14. On March 9, 2017, Transportation Staff received payment in full from the Respondent.

15. The Commission finds Respondent's compliance is satisfactory and finds the Respondent should be reinstated for all motor carrier operations in Kansas.

**THE COMMISSION THEREFORE ORDERS THAT:**

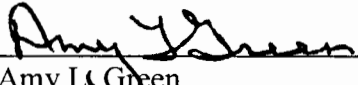
A. Varco Motors, LLC of Denison, Kansas is immediately reinstated for all commercial motor carrier operations in Kansas.

F. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: MAR 14 2017

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

**MAILED**

MAR 14 2017

**CERTIFICATE OF SERVICE**

16-GIMM-480-KHP

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on MAR 14 2017.

SAMUEL FEATHER, DEPUTY GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
s.feather@kcc.ks.gov

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

RICHARD D. VARNER  
VARCO MOTORS, LLC  
16948 HWY K16  
DENISON, KS 66419  
Fax: 785-935-2453  
varnerbeverly@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe

***EMAILED***

MAR 14 2017