# THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson

Dwight D. Keen Annie Kuether

In the Matter of the Investigation of <b>Jacinto Casas</b>	)	
Lozano d/b/a Jacinto's Trucking, of Syracuse,	)	
Kansas, Regarding the Violation of the Motor	)	
Carrier Safety Statutes, Rules and Regulations and	)	Docket No. 24-TRAM-234-PEN
the Commission's Authority to Impose Penalties,	)	
Sanctions and/or the Revocation of Motor Carrier	)	
Authority.	)	

## ORDER REINSTATING INTRASTATE MOTOR CARRIER OPERATIONS

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

#### I. JURISDICTION

- 1. Pursuant to K.S.A. 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. Jacinto Casas Lozano d/b/a Jacinto's Trucking, of Syracuse, Kansas (Carrier), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in intrastate commerce.
- 5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2529654.
- 6. On December 5, 2023, the Commission issued an Order suspending Carrier's intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on September 14, 2023. The Penalty Order also assessed Carrier a \$500 civil fine. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.
- 7. On December 5, 2023, Carrier submitted payment of the \$500 civil assessment. Transportation Staff (Staff) confirmed the payment had been made as of that date and determined the carrier was now in compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order.
- 8. On December 6, 2023, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations on Carrier.

#### III. STAFF'S RECOMMENDATION

- 9. Based on Staff's Motion and Carrier's compliance, Staff recommends the Commission reinstate Carrier's Kansas motor carrier operations.
- 10. Staff recommends the Commission to order Carrier to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order, and to provide Litigation Counsel with written proof of attendance.

#### IV. CONCLUSIONS OF LAW

- 11. The Commission finds it has jurisdiction over Carrier because it is a motor carrier as defined in K.A.R. 82-4-3f.
- 12. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Jacinto Casas Lozano d/b/a Jacinto's Trucking's motor carrier operations is reasonable.

#### THE COMMISSION THEREFORE ORDERS THAT:

- A. Jacinto Casas Lozano d/b/a Jacinto's Trucking's intrastate motor carrier authority is hereby reinstated.
- B. Jacinto Casas Lozano d/b/a Jacinto's Trucking remains obligated to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order. Carrier must also provide Litigation Counsel with written proof of attendance.

# BY THE COMMISSION IT IS SO ORDERED.

French	i, Chairperson;	Keen,	Commissioner;	Kuether,	Commissioner

Dated: 12/12/2023

Lynn M. Retz

Executive Director

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## **CERTIFICATE OF SERVICE**

### 24-TRAM-234-PEN

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

CINTO CASAS LOZANO, OWNER CINTO CASAS LOZANO B/A JACINTO'S TRUCKING
D BOX 1131 ('RACUSE, KS 67878-0986
Room
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