

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

In the Matter of the Investigation of **Custom**)
Limousine, Inc. of Bonner Springs, Kansas, Pursuant)
to the Kansas Highway Patrol Issuance of a Notice of)
Violation for Violation(s) of the Kansas Motor Carrier) Docket No. 14-GIMM-371-KHP
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier Authority.)

MOTION TO DISMISS HEARING AND CIVIL ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) presents the above-captioned matter to the Commission for dismissal of the Request for Hearing, civil assessments, and the pending action against Custom Limousine, Inc. of Bonner Springs, Kansas (Respondent). In support of its Motion, Staff states as follows:

1. On December 26, 2013, the Kansas Highway Patrol issued a Notice of Violation against Custom Limousine, Inc. (Respondent), for alleged violations found during a December 20, 2013, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol.
2. On or about February 17, 2014, the Respondent submitted a request for hearing on this matter, which opened Docket No. 14-GIMM-371-KHP.
3. On February 19, 2014, Staff filed a Notice of Hearing setting the matter for evidentiary hearing before the Commission on June 13, 2014, at 8:30 a.m.
4. Staff and Respondent have worked in good faith to resolve this docketed matter.
5. Respondent has provided satisfactory evidence that the vehicle involved in the December 20, 2013, routine motor carrier stop and inspection was not a commercial motor vehicle.

6. Because the vehicle involved in the inspection was not, by definition, a commercial motor vehicle it is not subject to the Commission's regulatory oversight.

7. Vehicles and business operations that would otherwise fall outside of the Commission's regulatory scheme may become subject to Commission oversight if the Respondent utilizes the vehicles in a manner that would deem them commercial motor vehicles engaged in a motor carrier operation.

8. Staff thanks the Respondent for their candor and attentiveness in resolving this matter.

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission dismiss Respondent's Request for Hearing, civil assessments, and the pending action against Custom Limousine, Inc. of Bonner Springs, Kansas.

Respectfully submitted,



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For Commission Staff

CERTIFICATE OF SERVICE

14-GIMM-371-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion to Dismiss Hearing and Civil Assessment was served via electronic service this 4th day of April, 2014, to the following:

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